

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:18 o'clock p.m.

Memorial Resolutions

S. R. No. 1293—By Senator Blanchard: Memorial resolution for Charlie C. Jones.

S. R. No. 1294—By Senator Blanchard: Memorial resolution for Mrs. Mary Frances Merworth Reid.

Welcome and Congratulatory Resolutions

S. R. No. 1280—By Senator McKool: Extending commendation to group of students from the City Park Elementary School of Dallas for their outstanding accomplishments.

S. R. No. 1281—By Senator McKool: Extending congratulations to a group of students from Mesquite High School for their excellent achievements.

S. R. No. 1282—By Senator McKool: Extending congratulations to a group of students from Lincoln High School of Dallas for their achievements.

S. R. No. 1287—By Senators Aikin and Word: Extending welcome to Bun Raley.

S. R. No. 1288—By Senators Kennard and Creighton: Extending commendation to the Chapel Choir of the Broadway Baptist Church of Fort Worth.

S. R. No. 1289—By Senator Harrington: Extending welcome to Mrs. Ray Duke, et al.

S. R. No. 1297—By Senator Watson: Extending welcome to Bun Raley.

S. R. No. 1298—By Senator Watson: Extending welcome to members of the Youth Environmental Service Club, University High School, Waco.

S. R. No. 1299—By Senator Watson: Extending welcome to Lynn Cannon, et al.

S. R. No. 1300—By Senator Watson: Extending welcome to members of the Environmental Concern Organization of Waco.

S. R. No. 1301—By Senator Watson: Extending welcome to Mrs. Myrtle Hickman, et al.

Recess

On motion of Senator Aikin the Senate at 12:20 o'clock p.m. took recess until 9:15 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

May 19, 1971

S. C. R. No. 98

S. C. R. No. 100

SEVENTY-SECOND DAY

(Continued)

(Thursday, May 20, 1971)

After Recess

The Senate met at 9:15 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hall.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reports of Standing Committees

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 645.

H. B. No. 1117.

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 1321.

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

H. B. No. 1709.

By unanimous consent, Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 857 (Amended).

H. B. No. 1528.

H. B. No. 1782.

S. B. No. 898.

S. B. No. 860.

H. B. No. 628 (Amended).

H. B. No. 279.

H. B. No. 1657.

By unanimous consent, Senator Creighton submitted the following report for the Committee on Water and Conservation:

H. B. No. 1765.

By unanimous consent, Senator Kennard submitted the following reports for the Committee on Public Health:

H. B. No. 753.

H. B. No. 663.

By unanimous consent, Senator Brooks submitted the following report for the Committee on State Departments and Institutions:

H. B. No. 440.

House Bill 440 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 440 was ordered not printed.

Reports of Standing Committees

By unanimous consent, Senator Aikin submitted the following reports for the Committee on Education:

H. B. No. 578.

H. B. No. 952.

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 451 (Amended).

House Bill 645 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 645 was ordered not printed.

House Bill 1117 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, H. B. No. 1117 was ordered not printed.

Senate Bill 898 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent, S. B. No. 898 was ordered not printed.

Senate Bill 660 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 660 was ordered not printed.

House Bill 1321 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1321 was ordered not printed.

House Bill 1709 Ordered Not Printed

On motion of Senator Brooks and by unanimous consent, H. B. No. 1709 was ordered not printed.

House Bill 440 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent, H. B. No. 440 was ordered not printed.

Senate Bill 898 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 898 was ordered not printed.

House Bill 628 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, H. B. No. 628 was ordered not printed.

Senate Bill 860 Ordered Not Printed

On motion of Senator Watson and by unanimous consent, S. B. No. 860 was ordered not printed.

House Bill 1765 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent, H. B. No. 1765 was ordered not printed.

House Bill 753 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent, H. B. No. 753 was ordered not printed.

House Bill 663 Ordered Not Printed

On motion of Senator Kennard and by unanimous consent, H. B. No. 663 was ordered not printed.

House Bill 279 Ordered Not Printed

On motion of Senator Mauzy and by unanimous consent, H. B. No. 279 was ordered not printed.

House Bill 1657 Ordered Not Printed

On motion of Senator Mauzy and by unanimous consent, H. B. No. 1657 was ordered not printed.

House Bill 451 Ordered Not Printed

On motion of Senator Patman and by unanimous consent, H. B. No. 451 was ordered not printed.

(President Pro Tempore in Chair.)

Bills and Resolution Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. B. No. 233.

S. C. R. No. 99.

S. B. No. 697.

S. B. No. 269.

S. B. No. 859.

Bills Added to Local and Uncontested Bills Calendar

On motion of Senator Hall, and by unanimous consent H. B. Nos. 645, 1117, 246, 1380, 279, 1657, 753, 663, 1705, 440, 1321, 1709, 1622, 451, S. B. Nos. 1007, 860, 1020, 694, 240, 846, 847, 849 were added to the Local and Uncontested Bills Calendar.

Local and Uncontested Bills Calendar

The President Pro Tempore announced that the time had arrived for the consideration of the Local and Un-

contested Bills Calendar in accordance with a motion previously adopted by the Senate.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of Constitutional Three Day Rule and final passage indicated after each bill)

S. B. No. 240 (Kennard) (31-0) (31-0)

C. S. S. B. No. 435 (Watson) (30-1) Grover "Nay" (30-1) Grover "Nay"

S. B. No. 556 (Wallace) (31-0) (31-0)

S. B. No. 559 (Brooks) (31-0) (31-0)

S. B. No. 820 (Snelson) (31-0) (31-0)

S. B. No. 821 (Snelson) (31-0) (31-0)

S. B. No. 846 (Bernal) (31-0) (31-0)

C. S. S. B. No. 847 (Bernal) (31-0) (31-0)

S. B. No. 849 (Bernal) (31-0) (31-0)

S. B. No. 860 (Bridges) (31-0) (31-0)

S. B. No. 885 (Sherman) (31-0) (31-0)

S. B. No. 898 (Hall) (31-0) (31-0)

S. B. No. 914 (Sherman) (31-0) (31-0)

S. B. No. 926 (Christie) (31-0) (31-0)

S. B. No. 931 (Word) (31-0) (31-0)

S. B. No. 946 (Sherman) (31-0) (31-0)

S. B. No. 955 (Sherman) (31-0) (31-0)

S. B. No. 969 (Wilson) (31-0) (31-0)

S. B. No. 993 (Mauzy) (31-0) (31-0)

S. B. No. 1007 (Brooks) (31-0) (31-0)

S. B. No. 1015 (Wilson) (31-0) (31-0)

S. B. No. 1020 (Moore) (31-0) (31-0)

S. B. No. 1022 (Watson) (31-0) (31-0)	H. B. No. 663 (Aikin) (31-0) (31-0)
S. B. No. 1023 (Wilson) (31-0) (31-0)	H. B. No. 665 (Watson) (31-0) (31-0)
S. C. R. No. 5 (Herring) (31-0)	H. B. No. 729 (Connally) (31-0) (31-0)
H. B. No. 71 (Blanchard) (31-0) (31-0)	H. B. No. 735 (Wallace) (31-0) (31-0)
H. B. No. 132 (Harrington) (31-0) (31-0)	H. B. No. 743 (Connally) (31-0) (31-0)
H. B. No. 246 (Bates) (31-0) (31-0)	H. B. No. 753 (Aikin) (31-0) (31-0)
H. B. No. 253 (Sherman) (31-0) (31-0)	H. B. No. 764 (Wallace) (31-0) (31-0)
H. B. No. 279 (Mauzy) (31-0) (31-0)	H. B. No. 821 (Wallace) (31-0) (31-0)
H. B. No. 280 (Wallace) (31-0) (31-0)	H. B. No. 823 (Blanchard) (31-0) (31-0)
H. B. No. 297 (Bridges) (31-0) (31-0)	H. B. No. 826 (Wilson) (31-0) (31-0)
H. B. No. 329 (Watson) (31-0) (31-0)	H. B. No. 827 (Brooks) (31-0) (31-0)
H. B. No. 332 (Herring) (31-0) (31-0)	H. B. No. 839 (Aikin) (31-0) (31-0)
H. B. No. 418 (Hall) (31-0) (31-0)	H. B. No. 849 (Hall) (31-0) (31-0)
H. B. No. 423 (Blanchard) (31-0) (31-0)	H. B. No. 870 (Creighton) (31-0) (31-0)
H. B. No. 467 (Wallace) (31-0) (31-0)	H. B. No. 885 (Creighton) (31-0) (31-0)
H. B. No. 516 (Connally) (31-0) (31-0)	H. B. No. 923 (Wallace) (31-0) (31-0)
H. B. No. 579 (Bridges) (31-0) (31-0)	H. B. No. 1021 (Watson) (31-0) (31-0)
H. B. No. 606 (Wallace) (31-0) (31-0)	H. B. No. 1031 (Blanchard) (31-0) (31-0)
H. B. No. 607 (Wallace) (31-0) (31-0)	H. B. No. 1068 (Hightower) (31-0) (31-0)
H. B. No. 608 (Wallace) (31-0) (31-0)	H. B. No. 1108 (Wallace) (31-0) (31-0)
H. B. No. 609 (Wallace) (31-0) (31-0)	H. B. No. 1109 (Wallace) (31-0) (31-0)
H. B. No. 637 (Snelson) (31-0) (31-0)	H. B. No. 1117 (Aikin) (31-0) (31-0)
H. B. No. 645 (Aikin) (31-0) (31-0)	H. B. No. 1119 (Wallace) (31-0) (31-0)
H. B. No. 646 (Jordan) (31-0) (31-0)	H. B. No. 1146 (Wallace) (31-0) (31-0)
H. B. No. 661 (Watson) (31-0) (31-0)	H. B. No. 1147 (Wallace) (31-0) (31-0)

H. B. No. 1148 (Wallace) (31-0)
(31-0)

H. B. No. 1149 (Jordan) (31-0)
(31-0)

H. B. No. 1157 (Moore) (31-0)
(31-0)

H. B. No. 1184 (Snelson) (31-0)
(31-0)

H. B. No. 1198 (Snelson) (31-0)
(31-0)

H. B. No. 1203 (Watson) (31-0)
(31-0)

H. B. No. 1206 (Snelson) (31-0)
(31-0)

H. B. No. 1250 (Hall) (31-0)
(31-0)

H. B. No. 1251 (Hall) (31-0)
(31-0)

H. B. No. 1270 (Brooks) (31-0)
(31-0)

H. B. No. 1321 (Brooks) (31-0)
(31-0)

H. B. No. 1327 (Blanchard) (31-0)
(31-0)

H. B. No. 1380 (Snelson) (31-0)
(31-0)

H. B. No. 1386 (Brooks) (31-0)
(31-0)

H. B. No. 1387 (Brooks) (31-0)
(31-0)

H. B. No. 1401 (Blanchard) (31-0)
(31-0)

H. B. No. 1406 (Brooks) (31-0)
(31-0)

H. B. No. 1407 (Brooks) (31-0)
(31-0)

H. B. No. 1409 (Sherman) (31-0)
(31-0)

H. B. No. 1414 (Creighton)
(31-0) (31-0)

H. B. No. 1418 (Creighton) (31-0)
(31-0)

H. B. No. 1436 (Kothmann) (31-0)
(31-0)

H. B. No. 1479 (Herring) (31-0)
(31-0)

H. B. No. 1492 (Creighton)
(31-0) (31-0)

H. B. No. 1535 (Patman) (31-0)
(31-0)

H. B. No. 1539 (Herring) (31-0)
(31-0)

H. B. No. 1548 (Sherman) (31-0)
(31-0)

H. B. No. 1607 (Beckworth)
(31-0) (31-0)

H. B. No. 1618 (Snelson) (31-0)
(31-0)

H. B. No. 1622 (Brooks) (31-0)
(31-0)

H. B. No. 1630 (Creighton)
(31-0) (31-0)

H. B. No. 1654 (Beckworth)
(31-0) (31-0)

H. B. No. 1656 (Bridges) (31-0)
(31-0)

H. B. No. 1705 (Word) (31-0)
(31-0)

H. B. No. 1709 (Brooks) (31-0)
(31-0)

H. B. No. 1714 (Beckworth) (31-0)
(31-0)

H. B. No. 1724 (Schwartz) (31-0)
(31-0)

H. B. No. 1746 (Hall) (31-0)
(31-0)

H. B. No. 1752 (Hall) (31-0)
(31-0)

H. B. No. 1754 (Hall) (31-0)
(31-0)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment(s) printed following bill number, as well as vote on suspension of Constitutional Rule and final passage)

S. B. No. 8 (Hall)—

Senator Hall offered the following Committee Amendment to the bill:

Amend Senate Bill 8 by striking all of Section 22a and inserting in lieu thereof the following:

"Section 22a. The Department of Public Safety is authorized and directed to implement and maintain a detachment of one hundred (100) fully trained and qualified narcotics agents available for dispatch upon request to any city, county, or independent school district or any political subdivision. The titular head of the requesting

entity must submit an affidavit signed by him evidencing that there is a clear and present danger of violation of the Uniform Narcotic Drug Act. Dispatch of the detachment is subject to any preliminary examination deemed necessary and advisable by the Department of Public Safety. This provision is in addition to any authority the Department of Public Safety has already under existing law."

The Committee Amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 306 (Hall)—

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 306, Section 6(g) by striking the words, "within three days after the date notice of the classification was furnished the," in the second sentence and inserting the words "against the."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 306, Section 6(b) by striking the words, "not sooner than 240 hours," the language "is first" in the same subsection and inserting the word "is" to make the sentence read as follows: "The board may request the exhibitor to furnish a picture or part of a picture to be previewed by the board for the purpose of classification before the picture is scheduled to be exhibited to the public."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 306, Section 6(e) by striking the words, "within 24 hours" in the second sentence and insert the word "immediately."

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 306, Section 6(g) by striking the words "within the specified time," in the second sentence.

The amendment was read and was adopted.

Senator Hall offered the following amendment to the bill:

Amend Senate Bill 306, Section 4(a) by striking the period at the end of the sentence and inserting the following, "such fee not to exceed fifty (50) dollars." ; and amend subsection (b) of Section 4 by striking the period at the end of the sentence and inserting the following, "such fee not to exceed fifty (50) dollars."

The amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 458 (Watson)—

Senator Watson offered the following amendment to the bill:

Amend S. B. 458 by deleting all of subsection (g) of Section 1 and substituting the following in lieu thereof:

"(g) A motor vehicle owner who is serving on active duty in the armed forces of the United States as an officer, warrant officer, or enlisted member and who is a resident of this State both at the time of entering military service and at the time of motor vehicle registration may register without paying the required registration fee one passenger car or one commercial motor vehicle having a manufacturer's rated carrying capacity not exceeding one (1) ton. Application for fee exempt license plates authorized under this subsection shall be submitted directly to the Texas Highway Department not later than January 1 preceding the registration year for which such plates are requested, and such application shall be accompanied by a fee of One Dollar (\$1.00) to cover handling and mailing of the license plates and a letter from the applicant's commanding officer attesting that the residence requirements established by this subsection for free registration have been met. The forms for making application for

fee exempt registration under the provisions of this subsection shall be prescribed and furnished by the Texas Highway Department and the applicant shall provide such information as the Department may deem necessary including, but not limited to, a complete description of the vehicle to be registered, the applicant's branch of military service, the applicant's service serial number, etc. Certificate of Title to the vehicle for which fee exempt plates are requested under this subsection must have been issued in the name of the applicant and if such vehicle ceases to be owned by the person to whom such plates were issued, the fee exempt license plates automatically become void and it shall be the responsibility of that person to remove such license plates and forward them to the Texas Highway Department together with the corresponding license receipt for cancellation. The Texas Highway Department may promulgate such reasonable rules and regulations as it may deem necessary to effectually administer this subsection and insure that service personnel applying for free registration as provided herein are eligible to receive this exemption."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 643 (Brooks)—

Senator Brooks offered the following Committee Amendment to the bill:

Amend S. B. 643 by striking the words "in black ink," where they appear consecutively in subsection (4) in the quoted Article 3930c in Section 1, and by striking all of subsection (7) in the quoted Article 3930c in Section 1 and renumbering subsequent subsections accordingly.

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 660 (Watson)—

Senator Watson offered the following Committee Amendment to the bill:

Amend Senate Bill 660 by striking out all of Senate Bill 660 below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Chapter 21 of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, page 868), as heretofore amended, be and the same is hereby amended by adding to the said Chapter 21 a new article to be designated Article 21.28-E, to read as follows:

"Article 21.28-E. Texas Life, Health and Accident Guaranty Act.

"Section 1. Title. This Article shall be known and may be cited as the 'Texas Life, Health and Accident Guaranty Act.'

"Section 2. Purpose. This Act is for the purposes and findings set forth in Section 1 of Article 21.28-A of the Insurance Code and in supplementation thereto by providing funds in addition to assets of impaired insurers for the protection of the holders of 'covered claims' as defined herein through payment and through contracts of reinsurance or assumption of liabilities or of substitution or otherwise.

"Section 3. Scope. This Act shall apply to all kinds of insurance written by mutual assessment companies, local mutual aid associations, local mutual burial associations, statewide mutual assessment companies and stipulated premium insurance companies licensed to do business in this state, that elect to voluntarily participate under the provisions of this Act.

"Section 4. Construction. This Act shall be liberally construed to effect the purpose under Section 2 which shall constitute an aid and guide to interpretation.

"Section 5. Definitions. As used in this Act.

"(1) A. 'State Board of Insurance' is the State Board of Insurance of this State.

B. 'Commissioner' is the Commissioner of Insurance of this State.

"(2) 'Covered claim' is any policy benefit (including, but not limited to, death, disability, hospitalization, medical, premium deposits, advance premiums, supplemental contracts, cash surrender, loan, non-forfeiture, extended coverage, annuities, and cou-

pon and dividend accumulations) to the owner, beneficiary, assignee, certificate holder, or third party beneficiary, arising from an insurance policy to which this Act applies, issued or assumed by an 'insurer' (as defined herein), if such insurer becomes an 'impaired insurer' after the effective date of this Act. 'Covered claim' shall not include liabilities that are not policy benefits, including but not limited to adjustment fees and expenses, attorneys fees and expenses, court costs, penalty and bond premiums.

"(3) 'Insurer' is such mutual assessment companies, local mutual aid associations, local mutual burial associations, statewide mutual assessment companies and stipulated premium insurance companies, licensed to do business in this state, that voluntarily agree to participate under the provisions of this Act as hereinafter provided.

"(4) 'Impaired insurer' is (a) an insurer which, after the effective date of this Act, is placed in temporary or permanent receivership under an order of liquidation, rehabilitation or conservation by a court of competent jurisdiction and which has been determined an 'impaired insurer' by the Commissioner; or (b) after the effective date of this Act, an insurer placed in conservatorship after it has been deemed by the Commissioner to be insolvent or its condition such as to render the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance and which has been determined an 'impaired insurer' by the Commissioner.

"(5) 'Payment of covered claims' is actual payment and also is utilization of funds derived from assessments for consummation of contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for liabilities for covered claims; and is also a utilization of future income, from assessments, pledged to retire liens against policies assumed or re-insured under such contracts of reinsurance or assumption of liabilities or substitution to provide for liabilities.

"(6) 'Net direct written premiums' is the gross amount of premiums collected on individual life and accident and health policies and certificates of group life and group accident and health insurance issued after the effective date of this Act, less premiums

paid for reinsurance ceded, premium refunds, and dividends on said policies and certificates.

"(7) 'Lines of business' is policies of insurance falling within one of the two following categories:

"1. Life Insurance.

"2. Health and Accident Insurance.

"Section 6. Termination of Policies. This Act shall apply to covered claims existing prior to the determination that an insurer is an impaired insurer and to covered claims arising within one hundred eighty (180) days after the determination of impairment, or before the policy expiration date if less than one hundred eighty (180) days after the determination of impairment, or before the insured replaces the policy or effects its cancellation, if he does so within one hundred eighty (180) days of the determination of impairment.

"If the Receiver or Conservator of an impaired insurer has not provided for payment of covered claims of an impaired insurer within one hundred fifty (150) days after such insurer has been determined an 'impaired insurer' by the Commissioner, the Commissioner shall notify the insureds of the impaired insurer of their rights under this Act. Such notification shall be by mail at each insured's last known address, where available, but if sufficient information for notification by mail is not available, notice by publication in a newspaper of general circulation printed in this State shall be sufficient.

"Section 7. Assessments. Whenever the Commissioner determines that an insurer has become an impaired insurer the receiver appointed in accordance with Article 21.28 of the Insurance Code or the conservator appointed under the authority of Article 21.28-A of the Insurance Code shall promptly estimate the amount of additional funds, by lines of business, needed to supplement the assets of the impaired insurer immediately available to the receiver or the conservator for the purpose of making payment of all covered claims. Thereafter, the Commissioner shall be empowered to make such assessments as may be necessary to produce the additional funds needed to make payment of all covered claims. The Commissioner may make partial assessments as the actual need for additional funds arises for each impaired insurer.

"The Commissioner in determining the proportionate amount to be paid by individual insurers under an assessment shall take into consideration the lines of business written by the impaired insurer and shall assess individual insurers in proportion to the ratio that the total net direct written premium collected in the State of Texas by the insurer for such line or lines of business during the next preceding year bears to the total net direct written premium collected by all insurers (except impaired insurers) in the State of Texas for such lines of business. Assessments during a calendar year may be made up to, but not in excess of, two percent (2%) of each insurer's net direct written premium for the preceding calendar year in the lines of business written by the impaired insurer. If the maximum assessment in any calendar year does not provide an amount sufficient for payment of covered claims of impaired insurers, assessments may be made in the next and successive calendar years.

"Insurers designated as impaired insurers by the Commissioner shall be exempt from assessment from and after the date of such designation and until the Commissioner determines that such insurer is no longer an impaired insurer.

"The Commissioner shall designate the impaired insurer for which each assessment or partial assessment is made and it shall be the duty of each insurer to pay the amount of its assessment to the conservator or receiver, as the case may be, within thirty (30) days after the Commissioner gives notice of the assessment, and assessments may be collected by the conservator or receiver through suits brought for that purpose. Venue for such suits shall lie in Travis County, Texas, and actions to collect such assessments shall have precedence over all other causes on the docket of a different nature. Either party to said action may appeal to the appellate court having jurisdiction over said cause and said appeal shall be at once returnable to said appellate court having jurisdiction over said cause and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending. Neither the receiver nor the conservator shall be required to give an appeal bond in any cause arising hereunder.

"Funds derived from assessments under the provisions of this Act shall not become assets of the impaired insurer but shall be deemed a special fund loaned to the receiver or the conservator for payment of covered claims, which loan shall be repayable to the extent available from the funds of such impaired insurer, as herein provided.

"Section 8. Penalty for Failure to Pay Assessments. The Commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact business in this State of any insurer who fails to pay an assessment when due.

"Any insurer whose certificate of authority to do business in this State is cancelled or surrendered shall be liable for any unpaid assessments made prior to the date of such cancellation or surrender.

"Section 9. Accounting for and Repayment of Assessments. Upon receipt from an insurer of payment of an assessment or partial assessment, the receiver or conservator shall provide the insurer with a participation receipt which shall create a liability against the impaired insurer, and the holder of such participation receipt shall be regarded as a general creditor of the impaired insurer; provided, however, that with reference to the remaining balance of any portions of assessments received by the receiver or conservator and not expended in 'payment of covered claims' the holders of such participation receipts shall have preference over other general creditors and shall share pro rata with other holders of participation receipts. The receiver or conservator of any impaired insurer shall adopt accounting procedures reflecting the expenditure and use of all funds received from assessments or partial assessments and shall make a final report of the expenditure and use of such funds to the Commissioner, which final report shall set forth the remaining balance, if any, from the funds collected by assessment. The receiver or conservator shall also make any interim reports concerning such accounting as may be required by the Commissioner. Upon completion of the final report the receiver or conservator shall, as soon thereafter as is practicable, refund pro rata the remaining balance of such assessments to the holders of the participation receipts.

"Section 10. Payment of Covered Claims. When an insurer has been designated by the Commissioner as an impaired insurer, the receiver or conservator, as the case may be, shall marshal all assets of the impaired insurer, including but not limited to those which are designated as or that constitute reserve assets offsetting reserve liabilities for all liabilities falling within the definition of 'covered claim' as defined in this Act. The receiver or conservator shall apply all of such assets to the payment of covered claims, but may utilize funds received from assessments in the payment of covered claims, pending orderly liquidation or disposition of such assets. When all covered claims have been paid or satisfied by the receiver or conservator, any balance remaining from the liquidation or disposition of such assets shall first be applied in repayment of funds expended from assessments. Such repayments shall be credited as remaining balances and be refunded as provided in Section 9 of this Act.

"In addition to authorization to make actual payment of covered claims, the receiver or conservator is specifically authorized to utilize such marshalled assets and funds derived from assessments for the purpose of negotiating and consummating contracts of reinsurance or assumption of liabilities or contracts of substitution to provide for outstanding liabilities of covered claims. This Act shall not be construed to impose restrictions or limitations upon the authority granted or authorized the Commissioner, the conservator or the receiver elsewhere in the Insurance Code and other statutes of this State but shall be construed and authorized for use in conjunction with other portions of the Insurance Code dealing with delinquency proceedings or threatened insolvencies or supervisions or conservatorships.

"Section 11. Approval of Covered Claims. Covered claims against an impaired insurer placed in temporary or permanent receivership under an order of liquidation, rehabilitation or conservation by a court of competent jurisdiction shall be processed and acted upon by the receiver or ancillary receiver in the same manner as other claims as provided in Article 21.28 of the Insurance Code and as ordered by the court in which such receivership is pending; provided,

however, that funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the receiver and the amount of the assets marshalled by the receiver for payment to holders of covered claims; and provided further, that in ancillary receiverships in this State, funds received from assessments shall be liable only for the difference between the amount of the covered claims approved by the ancillary receiver and the amount of assets marshalled by the receivers in other states for application to payment of covered claims within this State. Such funds received from assessments shall not be liable for any amount over and above that approved by the receiver for a covered claim and any action brought by the holder of such covered claim appealing from the receiver's action shall not increase the liability of such funds; provided, however, that the receiver may review his action in approving a covered claim and for just cause modify such approval at any time during the pendency of the receivership.

"If a conservator is appointed to handle the affairs of an impaired insurer the conservator shall determine whether or not covered claims should or can be provided for in whole or in part by reinsurance, assumption or substitution. Upon determination by the conservator that actual payment of covered claims should be made the conservator shall give notice of such determination to claimants falling within the class of 'covered claims.' The conservator shall mail such notice to the latest address reflected in the records of the impaired insurer. If the records of the impaired insurer do not reflect the address of a claimant, the conservator may give notice by publication in a newspaper of general circulation. Such notice shall state the time within which the claimant must file his claim with the conservator, which time shall in no event be less than ninety (90) days from the date of the mailing or publication of such notice. The conservator may require, in whole or in part, that sworn claim forms be filed and may require that additional information or evidence be filed as may be reasonably necessary for the conservator to determine the legality or the amount due under a covered claim. When an impaired insurer has been placed in

conservatorship, the funds received from assessments shall be liable only for the difference between the amount of the covered claim approved by the conservator and the amount of assets marshalled by the conservator for payment to holders of covered claims. Any action brought by the holder of such covered claim against the impaired insurer shall not increase the liability of such funds; provided, however, that the conservator may review his action in approving a covered claim and may for just cause modify such approval at any time during the pendency of the conservatorship.

"The acceptance of payment from the receiver or conservator by the holder of a covered claim or the acceptance of the benefits of contracts negotiated by the receiver or conservator providing for reinsurance or assumption of liabilities or for substitution shall constitute an assignment to the impaired insurer of any cause of action or right of the holder of such covered claim is based. Such assignment shall be to the extent of the amount accepted or the value of the benefits provided by such contracts of reinsurance or assumption of liabilities or substitution.

"Section 12. Nonduplication of Recovery. Any recovery under this Act shall be reduced by the amount of recovery under any other insurance guaranty act, or its equivalent, in any other state. Any person having a covered claim who is a resident of another state shall not be entitled to payment under this Act unless and until he furnishes adequate sworn proof that he has exhausted any and all rights of recovery that he has in his state of residence and the state of residence of the insured under any insurance guaranty act or its equivalent.

"Section 13. Release from Conservatorship or Receivership. An impaired insurer placed in conservatorship or receivership for which assessments have been made under the provisions of this Act shall not be authorized, upon release from conservatorship or receivership, to issue new or renewal insurance policies until such time as the impaired insurer has repaid in full to each holder of a participation receipt the assessment amount paid by the receipt holder or its assigns; provided, however, the Commissioner may, upon application of the advisory

association and after hearing, permit the issuance of new policies in accordance with a plan of operations by the released insurer for repayment of assessments. The Commissioner may, in approving such plan, place such restrictions upon the issuance of new or renewal policies as he deems necessary to the implementation of the plan. The Commissioner shall give ten (10) days notice of such hearing to the insurers to whom the participation receipts were issued for an assessment made for the benefit of the released insurer and the holders of the receipts shall be entitled to appear at and participate in such hearing.

"Section 14. Creation of Advisory Association. There is created by this Act an advisory association to be known as the 'Texas Life, Health and Accident Guaranty Association,' herein called the 'advisory association' to be composed of four insurers. Within thirty (30) days after this Act is placed in effect by the election of an adequate number of insurers electing to participate hereunder, the State Board of Insurance shall appoint the insurers who will serve as the initial advisory association. Of the initial advisory association members, two shall be appointed to serve for a one year term of office, and two shall be appointed to serve for a two year term of office. Subsequent members of the advisory association shall serve for the term of office as stated above and shall be elected by insurers, subject to the approval of the Commissioner.

"The initial members of the advisory association and subsequent members shall be chosen to afford fair representation to all insurers subject to this Act giving due consideration to the various categories of premium income, geographical location and segments of the industry represented in Texas. Vacancies on the advisory association shall be filled for the remaining period of the term in the same manner as the initial appointments.

"The advisory association shall conduct its meetings in Austin, Texas, in the Insurance Building of the State of Texas. Meetings shall be held upon call by the Commissioner or upon written request of a majority of the members. Meetings shall not be open to the public and only members of

the advisory association, members of the State Board of Insurance, the Commissioner and persons authorized by the Commissioner shall attend such meetings.

"The advisory association shall advise and counsel with the Commissioner upon matters relating to the solvency of insurers. The Commissioner shall call a meeting of the advisory association when he determines that an insurer is insolvent or impaired and may call a meeting of the advisory association when he determines that a danger of insolvency or impairment of an insurer exists. The advisory association shall, upon majority vote, notify the Commissioner of any information indicating that an insurer may be unable or potentially unable to fulfill its contractual obligations and request a meeting with the Commissioner. At such meetings the Commissioner may divulge to the advisory association any information in his possession and any records of the State Board of Insurance, including examination reports or preliminary reports from examiners relating to such insurer. The Commissioner may summon officers, directors and employees of an insolvent or impaired insurer (or of an insurer the Commissioner considers to be in danger of insolvency or impairment) to appear before the advisory association for conference or for the taking of testimony. Members of the advisory association shall not reveal information received in such meetings to anyone unless authorized by the Commissioner or the State Board of Insurance or when required as witness in court. Advisory association members shall be subject to the same standard of confidentiality as is imposed upon examiners under Article 1.18 of the Insurance Code, except that no bond shall be required of advisory association members.

"The advisory association shall, upon request by the Commissioner, attend hearings before the Commissioner and meet with and advise the Commissioner, the Liquidator or Conservator appointed by the Commissioner, on matters relating to the affairs of an impaired insurer and relating to action that may be taken by the Commissioner, Liquidator or Conservator to best protect the interests of persons holding covered claims against an impaired insurer and re-

lating to the amount and timing of partial assessments and the marshaling of assets and the processing and handling of covered claims.

"Reports or recommendations made by the advisory association to the Commissioner, Liquidator or Conservator shall not be considered public documents and there shall be no liability on the part of and no cause of action against a member of the advisory association or the advisory association for any report, individual report, recommendation or individual recommendation by the advisory association or members to the Commissioner, Liquidator or Conservator.

"Members shall serve without pay but their expenses in attending meetings shall be paid subject to the authorization of the Legislature in its appropriations bills or otherwise, and subject to the rules of the State Board of Insurance. Members shall serve until their successors are appointed.

"Any insurer that has an officer, director or employee serving as a member of the advisory association shall not lose the right to negotiate for and enter into contracts of reinsurance or assumption of liability or contracts of substitution to provide for liabilities for covered claims with the Receiver or Conservator of an impaired insurer. The entering into any such contract shall not be deemed a conflict of interest.

"The advisory association or any insurer assessed under this Act shall be an interested party under Section 3(h) of Article 21.28 of the Insurance Code.

"The State Board of Insurance shall within ninety (90) days after the effective date of this Act promulgate reasonable organizational rules for the association which shall set forth, among other things, quorum and attendance requirements for meetings, procedural rules to be followed at association meetings and rules concerning the replacement of members.

"Section 15. Recognition of Assessments in Premium Tax Offset. An insurer shall be entitled to recoup assessments made in any calendar year in excess of one per cent (1%) of its net direct written premiums for the previous calendar year as a credit against its premium tax under Article 7064. The tax credit referred to herein shall be allowed at a rate of twenty

percent (20%) per year for five (5) successive years following the date of assessments, and at the option of the insurer may be taken over an additional number of years.

"Section 16. Immunity. There shall be no liability on the part of and no cause of action of any nature shall arise against any insurer subject to this Act or its agents or employees, the advisory association or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this Act.

"Section 17. Rules and Regulations. The State Board of Insurance is authorized and directed to issue such reasonable rules and regulations as may be necessary to carry out the various purposes and provisions of this Act, and in augmentation thereof.

"Section 18. Appeals. Any action or ruling of the Commissioner under this Act may be appealed as provided in Article 1.04 of the Insurance Code. The liability of the appealing insurer for an assessment shall be suspended pending appeal by such insurer contesting the amount or legality of such assessment.

"Section 19. The provisions of this Act are voluntary only. No statewide mutual assessment company, local mutual aid association, local mutual burial association, or stipulated premium insurance company shall be covered by the provisions of this Act unless such insurers shall elect to participate under the provisions of this Act. In the event any such statewide mutual assessment company, local mutual aid association, local mutual burial association, or stipulated premium insurance company shall elect to participate hereunder, it may do so by filing such election in writing upon forms prescribed by the State Board of Insurance and filed with the Commissioner of Insurance; and such election forms shall be signed by the President, Secretary, and each Director of such electing insurer. Unless and until such written election is so filed, such insurer shall not be obligated under nor receive any benefit from the provisions of this Act. Any such insurer so electing to participate may withdraw from participation under the provisions of this Act provided that a majority of insurers that have elected to participate hereunder

consent to such withdrawal. Such election to withdraw shall be upon forms promulgated by the State Board of Insurance and shall be filed with the Commissioner, and such withdrawal shall only be effective two (2) years following the date of such election. Six months prior to the effective date of such withdrawal the withdrawing insurer shall notify all of the holders of its policies or certificates of its withdrawal. Upon filing of election to withdraw an insurer shall cease advertising that its policies are protected under the provisions of this Act.

"Section 20. This Act shall not be effective until such date that insurers having combined premium income in the immediately prior calendar year of at least five million dollars (\$5,000,000.00) shall elect in writing to participate under the provisions of this Act. Immediately following the receipt of such elections the State Board of Insurance shall enter an order designating those insurers participating under this Act and shall thereafter supplement such order by listing those insurers who subsequently elect to participate and those who subsequently elect to withdraw.

"Section 21. Within ninety (90) days following the entry of the original Board order as specified in Section 20 of this Act, the State Board of Insurance, following notice and hearing, shall enter an order providing the method, manner, and procedures whereby such participating insurers may advertise that such insurers' policies are protected under the provisions of this Act.

"Section 22. Control Over Conflicts. The provisions of this Act and the powers and functions authorized by this Act are to be exercised to the end that its purposes are accomplished. This Act is cumulative of existing laws, but in the event of conflict between this Act and any other law relating to the subject matter of this Act or its application, the provisions of this Act shall control.

"Section 23. Unconstitutional Application Prohibited. This Act and law does not apply to any insurer or other person to whom, under the Constitution of the United States or the Constitution of the State of Texas, it cannot validly apply.

"Section 24. Severance Clause. If any provision of this Act or the application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 2. Emergency Clause. The fact that there is an urgent need to provide for the protection of insureds from the insolvency of insurers and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 694 (Kennard)—

Senator Kennard offered the following Committee Amendment to the bill:

Amend Section 1, S. B. No. 694, to read as follows:

"Section 1. The commissioners court of any county in this State may provide a county owned automobile or a reasonable personal automobile allowance for the district clerk to cover expenses incurred by the clerk or his deputies in the course of performing official duties."

The Committee Amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S. B. No. 734 (Christie)—

Senator Christie offered the following Committee Amendment to the bill:

Amend S. B. 734 by striking all beneath the enacting clause, substituting in lieu thereof the following:

Section 1. Section 1, Chapter 12, Acts of the 53rd Legislature, Regular Session, 1953, as last amended by Section 1 (a) of Chapter 776, Acts of the 61st Legislature, Regular Session, 1969, is amended to read as follows:

"Section 1. The District Attorney of the 34th Judicial District of this state shall be paid a salary not to exceed sixteen thousand, five hundred dollars (\$16,500) per year. Beginning January 1, 1971, the salary of the District Attorney of that District shall be fixed by the commissioners court of El Paso County at eighteen thousand dollars (\$18,000) per year. Beginning January 1, 1972, the salary of the District Attorney of that District shall be fixed by the commissioners court of El Paso County at twenty thousand (\$20,000) dollars per year. The First Assistant District Attorneys and the First Assistant Administrative District Attorney of the said 34th Judicial District shall receive a salary not to exceed seventeen thousand five hundred dollars (\$17,500) per year; and the other Assistant District Attorneys and Investigators in the said District shall receive salaries not to exceed twelve thousand five hundred dollars (\$12,500) per year, the provisions of this Act relating to First Assistants, Assistants and Investigators to become effective upon passage hereof."

"Section 2. Section 3 of Chapter 9, Acts of the 39th Legislature, General Laws, First Called Session, 1926, is amended to read as follows:

"Said District Attorney in connection with, and for the purpose of conducting his office in said 34th Judicial District shall be, and is hereby, authorized to appoint two First Assistant District Attorneys, or one First Assistant District Attorney and one First Assistant Administrative District Attorney, both of whom shall be compensated in accordance with the salary provisions set out in Article 3886h."

"Section 3. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Christie and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

S. B. No. 1024 (Creighton)—

Senator Creighton offered the following amendment to the bill:

Amend Senate Bill 1024 by striking Section 8 and substituting the following:

Sec. 8. On the effective date of this Act, the governor shall appoint a Criminal District Attorney for Eastland County who shall serve until the general election in 1972 and until his successor is elected and qualified. There shall be elected by the qualified electors of Eastland County at the general election in November, 1972, a Criminal District Attorney in and for Eastland County for a term ending on December 31, 1974. At the general election in 1974 and every four years thereafter this officer shall be elected for a regular four-year term as provided in Section 30, Article V, and Section 65, Article XVI, Constitution of Texas.

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 22 (Blanchard)—

Senator Blanchard offered the following amendment to the bill:

Amend House Bill 22 by striking all of Section 1 thereof and substituting in lieu thereof the following:

"Section 1. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), is amended by adding a Section 9c to read as follows:

"Section 9c. (a) No county may demolish, sell, lease or damage the historical or architectural integrity of the courthouse of the county without first giving six months notice to the Texas State Historical Survey Committee.

"(b) If, after notice, the Committee determines that a courthouse has

historical significance worthy of preservation, the Committee shall notify the commissioners court of the county within 30 days after receiving notice from the county. A county may not demolish, sell, lease or damage the historical or architectural integrity of the courthouse for 180 days after receiving notice from the Committee. The Committee shall cooperate with interested persons during the 180-day period to preserve the historical heritage of the courthouse.

"(c) A county may carry out ordinary maintenance and repairs of its courthouse without notice to the Committee."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 66 (Blanchard)—

Senator Blanchard offered the following amendment to the bill:

Amend House Bill No. 66, subparagraph (b) of Section 1, by striking all of said sub-paragraph (b) and substituting in lieu thereof the following:

"(b) In carrying out the provisions of this Act, the Governor and the executive officers or governing bodies of the political subdivisions of the State may request the cooperation of the Red Cross, the Salvation Army, and licensed ambulance companies and shall designate them as official defense and disaster relief agents."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 440 (Kennard)—

Senator Kennard offered the following amendment to the bill:

Amend Sec. 6a (f) of House Bill No. 440 to read as follows:

"(f) If the Texas Partners of the Alliance do not accept the offer, or if the Board of Control and the Texas Partners of the Alliance cannot agree

on the fair market value of the equipment or material, the Board shall sell or dispose of the material as otherwise provided by this Act."

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 451 (Patman)—

Senator Patman offered the following Committee Amendment to the bill:

Amend H. B. No. 451 by substituting "8,900 nor more than 9,050" for "8,630 nor more than 9,075" in quoted Section 1C in Section 1 of the bill.

The amendment was read and was adopted.

On motion of Senator Patman and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 592 (Brooks)—

Senator Brooks offered the following Committee Amendment to the bill:

Amend House Bill 592 by deleting the figure "\$35,000" and substituting in lieu thereof the figure "\$34,000."

The Committee Amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 750 (Watson)—

Senator Watson offered the following amendment to the bill:

Amend House Bill 750 by striking out all of House Bill 750 below the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes), is amended by adding a Subsection H to read as follows:

"H. Any person who is entitled to participate in the Employees Retirement

System and who is entitled to creditable service for years of service during which he did not contribute to the Employees Retirement System upon payment of a stated sum, may receive the allowed credit for service by payment of the stated sum in monthly installments over a period not to exceed four years. No person is entitled to receive credit for the service until he has completed payment of all installments."

"Section 2. Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes) is amended by adding a Subsection F at the end of Section 3 to read as follows:

"F. In addition to eligibility entitlements granted by the provisions of the immediately foregoing subsection, any person who was an Elective State Official and who has: (i) served not less than six (6) years in the Legislature of Texas, and (ii) served not less than two years as a member of the military service of the United States during the time the United States was or is involved in organized conflict, whether in a state of war or a police action involving conflict with foreign forces, shall be deemed and considered for purposes of this Act identical with and the same as a qualifying person who has served not less than eight (8) years in the Legislature of Texas, and such person so qualifying shall be treated the same as and entitled to all of the benefits, rights and privileges as such person so serving eight (8) years in the said Texas Legislature including but not limited to the right to count past or future state employment and military service for retirement entitlements. Provided, however, any person qualifying under this subsection must pay into such system Two Hundred Eighty-eight Dollars (\$288.00) for each year of service in the Legislature of Texas. Provided further, any such person must make application to become a member and pay in such sums prior to January 1, 1973. Such application shall be made on forms provided by the Board, and shall be accompanied by such required payment into such system, and, thereupon, such person shall be entitled to all the privileges and benefits of such system. Nothing contained in this subsection shall ever be deemed or considered as limiting the inclusion of military service time, or past or future state employment time in deter-

mining retirement entitlements or creditable time. All provisions of this amendatory act shall be deemed supplementary to and not in repeal of all or any portion of this Act. 6228a."

"Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 752 (Hightower)—

Senator Hightower offered the following amendment to the bill:

Amend Section 1 of House Bill No. 752 to read as follows:

Section 1. Section (7) of Article 9.01, Chapter 9, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(7) 'Dealer' shall mean and include any person who as the operator of a service station or other retail outlet delivers motor fuel into the fuel supply tanks or motor vehicles, boats or aircraft owned or operated by others."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend Section 2 of House Bill No. 752 to read as follows:

Section 2. Article 9.01 of Chapter 9, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended by adding thereto two new Sections designated as Sections (14) and (15) to read as follows:

"(14) 'Wholesaler' or 'Jobber' shall mean and include any distributor as defined or other person who purchases tax paid motor fuel at wholesale from a duly licensed distributor for resale

or distribution at wholesale to dealers, or for resale or distribution at wholesale to dealers and bulk users.

"(15) 'Bulk User' shall mean and include any person who purchases tax paid motor fuel for delivery in quantities of twenty-five hundred (2500) gallons or more per delivery into storage facilities maintained by him primarily for delivery of such motor fuel into fuel supply tanks of motor vehicles."

The amendment was read and was adopted.

Senator Hightower offered the following amendment to the bill:

Amend House Bill 752 by adding a new Section to be known as Section 6, to read as set out below, and by renumbering all subsequent sections consecutively:

Section 6. Section (2) of Article 9.13, Chapter 9, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"(2) Any person (except as hereinafter provided), who shall use motor fuel for the purpose of operating or propelling any stationary gasoline engine, motorboat, aircraft, or tractor used for agricultural purposes, or for any other purpose except in a motor vehicle operated or intended to be operated upon the public highways of this State, and who shall have paid the tax imposed upon said motor fuel by this Chapter, either directly or indirectly, shall, when such person has fully complied with all provisions of this Article and the rules and regulations promulgated by the Comptroller, be entitled to reimbursement of the tax paid by him less any amount allowed distributors, wholesalers or jobbers, retailers or others under the provisions of Article 9.02(2) of this Chapter. Provided, however, no tax refund shall be paid to any person on motor fuel used in any construction or maintenance work which is paid for from any State funds to which motor fuel tax collections are allocated or which is paid jointly from any said State funds and Federal funds, except that when such fuel is used in maintenance of way machines, or other equipment of a railroad, operated upon stationary rails or tracks, then such railroad shall be entitled to a tax refund on such fuels."

The amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 837 (Schwartz)—

Senator Schwartz offered the following amendment to the bill:

Amend House Bill 837 as follows:

Strike all below the enacting clause and substitute in lieu thereof the following:

"Section 1. Section 4, page 409, Chapter 118, Acts of the 53rd Legislature, Regular Session, 1953, as amended by Section 4, page 1037, Chapter 513, Acts of the 59th Legislature, Regular Session, 1965 (codified as Article 326k-23, Sec. 4, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The Criminal District Attorney of Brazoria County, Texas, shall be commissioned by the Governor and shall receive as salary and compensation the following: a salary of Five Hundred (\$500.00) Dollars from the State of Texas for the salary of District Attorneys, and a sum of not less than Seventeen Thousand Five Hundred (\$17,500.00) Dollars and not more than Eighteen Thousand Five Hundred (\$18,500.00) Dollars a year to be paid out of the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers Salary Fund. The effective date of this Section is January 1, 1972."

"Section 2. Section 5, page 409, Chapter 118, Acts of the 59th Legislature, Regular Session, 1953 (codified as Article 326k-23, Section 5, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 5. The Criminal District Attorney of Brazoria County, for the purpose of conducting the affairs of his office, and with the approval of the Commissioners Court shall be and is hereby authorized to appoint one First Assistant and two Assistants and fix their salaries as follows, and no less: said First Assistant shall receive the sum of not less than Twelve Thousand (\$12,000.00) Dollars per annum. Each of said Assistants shall

receive the sum of not less than Ten Thousand (\$10,000.00) Dollars per annum.

"The Criminal District Attorney of Brazoria County may employ four stenographers and fix their salaries at not less than Forty-Eight Hundred (\$4,800.00) Dollars per annum. All of the salaries mentioned in this section shall be payable from the Officers' Salary Fund of Brazoria County, if adequate; if inadequate the Commissioners Court shall transfer the necessary funds from the General Fund of the County to the Officers' Fund.

"In addition to the salaries provided the Criminal District Attorney, his First Assistant, Assistants, and Stenographers, the Commissioners Court of Brazoria County, Texas, shall provide such Criminal District Attorney of Brazoria County, Texas, such reasonable and necessary expenses for the operation of the Office of Criminal District Attorney of Brazoria County, Texas, as the Commissioners Court of Brazoria County, Texas, may deem necessary for the proper operation of the Office of the Criminal District Attorney of Brazoria County, Texas, and said expenses shall be paid as provided by law for such expenses."

"Section 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended and said Rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 866 (Snelson)—

Senator Wallace offered the following amendment to the bill:

Amend Section 1 of H. B. 866 at line 13 by striking the words "Section 1" therefrom and replacing same with the words "Section 1(A) or 1(b)."

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1046 (Schwartz)—

Senator Schwartz offered the following Committee Amendment to the bill:

Amend H. B. No. 1046 by deleting the words, "Seven and 50/100 Dollars (\$7.50)" in Section 8 and substituting therein the words, "Fifteen and No/100 Dollars (\$15.00)."

The Committee Amendment was read and was adopted.

On motion of Senator Schwartz and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1163 (Watson)—

Senator Watson offered the following amendment to the bill:

Amend House Bill 1163, Section 1, Article 1431 (b) by striking out the word "of" (page 1 line 25 of the printed bill) after the words "part thereof" and before the words "which the vehicle" and substitute in lieu thereof the word "from."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1596 (Harrington)—

Senator Harrington offered the following Committee Amendment to the bill:

Amend House Bill 1596 by striking the words "at Law" on line 9 page 6, of the printed bill.

The Committee Amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1599 (Watson)—

Senator Watson offered the following amendment to the bill:

Amend House Bill No. 1599 by striking out all below the Enacting Clause and substituting in lieu thereof the following:

"Section 1. Section 1, Chapter 716, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 326k-56, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. (a) The General Law of the State of Texas regarding compensation of district attorneys shall apply to the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts.

"(b) The commissioners court of McLennan County may supplement the compensation paid the district attorney of the 19th, 54th, 74th, and 170th Judicial Districts under the General Law over and above that paid by the State of Texas.

"(c) There is hereby appropriated from the General Revenue Fund of the State an amount equal to that sum set in the General Appropriation Bill as the State's portion of the salary of the District Attorneys of the State of Texas.

"Sec. 2. Section 2b, Chapter 206, Acts of the 50th Legislature, 1947, as amended (Article 326k-12, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2b. The salary of the investigators and assistants appointed by the Criminal District Attorney of McLennan County shall be fixed at a sum of not more than Fifteen Thousand Dollars (\$15,000) per annum."

"Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The amendment was read and was adopted.

On motion of Senator Watson and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. No. 1643 (Aikin)—

Senator Aikin offered the following Committee Amendment to the bill:

Amend H. B. No. 1643 as follows:

(1) Strike "Twenty Thousand Dollars (\$20,000)" where it appears in the quoted Subsection 4(a) and substitute "Eighteen Thousand Dollars (\$18,000)."

(2) Strike the quoted Subsection 4(b) and substitute the following:

"(b) The Criminal District Attorney of Harrison County, if paid at least Sixteen Thousand Dollars (\$16,000) per year, and his assistants, if paid at least Ten Thousand Dollars (\$10,000) per year, may not engage in the private practice of civil law and may not refer legal business to others engaged in the private practice of law. This subsection does not apply to those acts required in the performance of the official duties as Criminal District Attorney."

The Committee Amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

H. B. 1657 (Mauzy)—

Senator Mauzy offered the following Committee Amendment to the bill:

Amend H. B. No. 1657 as follows:

(1) Amend Section 112.01 to read as follows:

Section 112.01. PAN AMERICAN UNIVERSITY. Pan American University is a coeducational institution of higher education located in the city of Edinburg. (V.A.C.S. Art. 2619a, Sec. 1; Art. 2619b, Sec. 1.)

(2) In Subchapters B and C of Chapter 112, substitute "university" for "college" wherever it appears.

(3) Amend Section 108.01 to read as follows:

Sec. 108.01. LAMAR UNIVERSITY. Lamar University is a coeducational institution of higher education located in the city of Beaumont. (V.A.C.S. Art. 2637a, Sec. 1, 1a.)

(4) Add a Section 108.15 to read as follows:

Sec. 108.15. SEAL. The board may adopt an official seal. (V.A.C.S. Art. 2637a, Sec. 1b.)

(5) In Subchapters B and C of Chapter 108, substitute "university" for "college" wherever it appears.

(6) In Subdivision (3) of Section 61.003, substitute "Lamar University" for "Lamar State College of Technology" and "Pan American University" for "Pan American College."

(7) Change the chapter table of contents, headings, repealer section, and cross-reference table as appropriate to reflect these amendments.

The Committee Amendment was read and was adopted.

Senator Mauzy offered the following amendment to the bill:

Amend H. B. No. 1657 as follows:

(1) Add a Section 65.39 to read as follows:

Sec. 65.39. MANAGEMENT OF LANDS OTHER THAN PERMANENT UNIVERSITY FUND LANDS. The board of regents of The University of Texas System has the sole and exclusive management and control of the lands set aside and appropriated to, or acquired by, The University of Texas System. The board may sell, lease, and otherwise manage, control, and use the lands in any manner and at prices and under terms and conditions the board deems best for the interest of The University of Texas System, not in conflict with the constitution. However, the land shall not be sold at a price less per acre than that at which the same class of other public land may be sold under the statutes. No grazing lease shall be made for a period of more than 10 years. (R. S. Art. 2596; V.A.C.S. Art. 2592a, Sec. 1; Art. 2603b-1.)

(2) In Section 66.01, insert "10," between "Sections" and "11,".

(3) Amend Section 66.02 to read as follows:

Sec. 66.02. AVAILABLE UNIVERSITY FUND. The dividends, interest, and other income from the permanent university fund shall constitute the available university fund. All income derived from the permanent university fund shall be deposited in the State Treasury to the credit of the available university fund within five days after receipt by any state officer, agent, or employee. (V.A.C.S. Art. 2654d, Sec. 5 (part).)

(4) Strike Subsection (a) of Section 66.03 and substitute the following:

(a) The reference in Article VII, Section 18, of the Texas Constitution, to "Chapter 42 of the Acts of the Regular Session of the 42nd Legislature of the State of Texas" shall be construed to mean this section.

(5) Strike the parenthetical citation at the end of Section 66.04 and insert the following:

"In the case of any bonds bought under this section, premium or discount shall be distributed over the life of the bonds. (V.A.C.S. Art. 2591a, Sec. 3 (part), 4 (part).)"

(6) In the caption for Section 66.43, strike "GEOLOGIST AND MINERALOGIST; OTHER".

(7) Add a Section 68.03 to read as follows:

Sec. 68.03. BUILDINGS. It is the intent of the legislature that future building needs of The University of Texas at Arlington shall be financed from some source or sources other than The University of Texas' share of the principal and/or interest of and from the Permanent University Fund. (V.A.C.S. Art. 2620a, Sec. 2 (part).)

(8) Amend Subsection (b) of Section 73.103 to read as follows:

(b) To be qualified for appointment as president, a person must be a licensed physician possessing an M.D. degree with at least five years of experience practicing medicine.

(9) Amend Sections 74.001 and 74.002 to read as follows:

Sec. 74.001. COMPOSITION. The University of Texas Medical Branch at Galveston is composed of the following component institutions under the control and management of the Board of Regents of The University of Texas System:

(1) The University of Texas Medical School at Galveston, including:

(A) the Graduate School;

(B) the School of Allied Health Sciences; and

(C) the Marine Biomedical Institute;

(2) The University of Texas Hospitals at Galveston, including

(A) John Sealy Hospital;

(B) Children's Hospital;

(C) Marvin L. Graves Hospital;

(D) Randall Pavilion;

(E) Moody State School for Cerebral Palsied Children;

(F) R. Waverly Smith Pavilion;

(G) Jennie Sealy Hospital;

(H) John W. McCullough Outpatient Clinic;

(I) Rebecca Sealy Outpatient Facility; and

(J) Rosa and Henry Ziegler Hospital; and

(3) other institutions that may be assigned to it from time to time. (V.A.C.S. Art. 2585d, Sec. 3(b).)

Sec. 74.002. JENNIE SEALY HOSPITAL; R. WAVERLY SMITH PAVILION. (a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be operated by the medical branch as integral parts of its hospital operations, but without cost or expense to the medical branch or to the state for maintenance, operations, repairs, or otherwise.

(b) Title to those facilities shall remain in the name of the Sealy-Smith Foundation; and the property shall not be sold, granted, leased, or in any manner conveyed to the medical branch or to the university system.

(c) Except as otherwise provided in this section, the land on which Jennie Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, City of Galveston, Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board of regents) shall be used as the site of the Jennie Sealy Hospital, and in the event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

(e) By agreement between the board of regents and the trustees of the Sealy-Smith Foundation, the purpose or use of these facilities may be changed to any other purpose or use consistent with the purposes of the foundation and with the operation of a medical school. However, no agreement shall be made which will impose on the medical branch or the state any obligation for maintenance, operation, repairs, or otherwise. (V.A.C.S. Art. 2603h, Sec. 1-7.)

(10) Amend Sections 75.102 and 75.105 to read as follows:

Sec. 75.102. ADMINISTRATION. The administration of the institute for

urban studies shall be under the direction of the chancellor and board of regents of The University of Texas System. The administrative officer of the institute shall be appointed by the chief academic executive of his university with the approval of the board. The administrative officer shall appoint the professional and administrative staff of the institute according to usual procedures and with the approval of the board (V.A.C.S. Art. 2606d, Sec. 3.)

Sec. 75.105. RECEIPT AND DISBURSEMENT OF FUNDS, PROPERTY, AND SERVICES. In addition to state appropriations, the institute may receive and expend or use funds, property, or services from any source, public or private, under rules established by the chief academic executive of the university and the board and under applicable state laws. (V.A.C.S. Art. 2606d, Sec. 4.)

(11) Conform all chapter table of contents to these amendments as necessary.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended. (31-0) (31-0)

Conclusion of Session for Consideration of Local and Uncontested Bills Calendar

The President Pro Tempore announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 20, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 445, A bill to be entitled "An Act relating to intentional infliction of injury on a child; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 463, A bill to be entitled "An Act granting the power of emi-

nent domain to the Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 621, A bill to be entitled "An Act relating to the power of political subdivision to place certain signs along certain rights-of-way; and declaring an emergency."

S. B. No. 711, A bill to be entitled "An Act relating to the collection and disposition of the fee for an attorney's license or certificate; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 677, A bill to be entitled "An Act relating to consolidation and dissolution of all or parts of certain independent school districts; and declaring an emergency."

S. B. No. 702, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to execute deeds to exchange portions of certain sections at Palo Duro State Park for adjoining real property; etc.; and declaring an emergency."

S. B. No. 524, A bill to be entitled "An Act amending Section 2, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended by Chapter 227, Acts of the 61st Legislature, Regular Session, 1969, and declaring an emergency."

S. B. No. 812, A bill to be entitled "An Act relating to the authority of the commissioners court of any county to regulate traffic on county roads and on county-owned land; etc.; and declaring an emergency."

S. B. No. 818, A bill to be entitled "An Act providing for the minimum salary of the Judge of County Court No. 2 of Galveston County; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 5, A bill to be entitled "An Act relating to microfilming and retention of records by counties; etc.; and declaring an emergency."

S. B. No. 47, A bill to be entitled "An Act restoring jurisdiction to the County Court of La Salle County, and conforming jurisdiction of the 81st District Court, etc.; and declaring an emergency."

S. B. No. 242, A bill to be entitled "An Act relating to the organization and establishment of Regional Planning Commissions; etc.; and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act authorizing the commissioners court of any county in the State to increase the compensation of district, county, or precinct deputies, assistants, or clerks; and declaring an emergency."

S. B. No. 292, A bill to be entitled "An Act relating to the travel and clothing expenses of economically deprived children attending the Texas School for the Deaf; and declaring an emergency."

S. B. No. 350, A bill to be entitled "An Act relating to the hauling of harvesting machinery under a temporary motor vehicle registration permit; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 351, A bill to be entitled "An Act relating to the issuance of short-term commercial vehicle permits to haul loads of larger tonnage; etc.; and declaring an emergency."

S. B. No. 365, A bill to be entitled "An Act relating to the State Board of Dental Examiners and the practice of dentistry in this State; etc.; and declaring an emergency."

S. B. No. 425, A bill to be entitled "An Act prescribing compensation for county officials in certain counties; etc.; and declaring an emergency."

S. B. No. 475, A bill to be entitled "An Act prohibiting the governing bodies of political subdivisions of the State of Texas from designating financial institutions located outside the state as depositories for funds under their jurisdiction; and declaring an emergency."

S. B. No. 476, A bill to be entitled "An Act providing that certain persons transporting agricultural commodities are not required to hold a commercial driver's license; etc.; and declaring an emergency."

S. B. No. 489, A bill to be entitled "An Act authorizing the State Building Commission or such Commission's successor in function to grant such easements and rights-of-way on be-

half of the State of Texas as shall be necessary to construct, improve, renovate, use and operate project facilities for any State agency on any project administered by the State Building Commission; and declaring an emergency."

S. B. No. 531, A bill to be entitled "An Act amending Statutes, defining the term 'Occupational' death or disability; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 618, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to execute deeds; to exchange property for use as a State park, historic site, scientific area or game management area; etc.; and declaring an emergency."

S. B. No. 659, A bill to be entitled "An Act authorizing a transfer of powers and duties of the Board of Managers of the Texas State Railroad to the Parks and Wildlife Department upon adoption of a formal resolution of Parks and Wildlife Commission; etc.; and declaring an emergency."

(With amendment.)

S. B. No. 683, A bill to be entitled "An Act redesignating all public junior colleges in Texas as community colleges, and junior college districts as community college districts; and declaring an emergency."

S. B. No. 700, A bill to be entitled "An Act amending statutes changing the penalties for violation of Article 7621e, Vernon's Civil Statutes, from misdemeanors to civil penalties of not less than \$50 nor more than \$1,000 per day for each and every day and each and every act; providing for injunctions; defining 'local government' and providing for suits by the State Water Well Drillers Board and by such local governments; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 701, A bill to be entitled "An Act amending Statutes, providing changes in the methods for appeal from Water Well Drillers Board; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 772, A bill to be entitled "An Act relating to residence restric-

tions on appointment of members of the board of regents of North Texas State University; and declaring an emergency."

S. B. No. 803, A bill to be entitled "An Act relating to the authority of cities and counties and navigation districts to issue revenue bonds for the purpose of acquiring property for industrial and rural development purposes, and to lease such property; providing that the property is taxable; and declaring an emergency."

(With amendment.)

S. B. No. 828, A bill to be entitled "An Act authorizing the State Commission for the Blind to grant such easements and rights-of-way on behalf of the State of Texas as might be necessary for the proper construction and development of the Criss Cole Rehabilitation Center for the Blind in Austin, Travis County, Texas; and declaring an emergency."

S. B. No. 829, A bill to be entitled "An Act relating to vending facilities operated on state property by blind persons; etc.; and declaring an emergency."

S. B. No. 830, A bill to be entitled "An Act relating to services extended to handicapped persons by the State Commission for the Blind; etc.; and declaring an emergency."

S. B. No. 832, A bill to be entitled "An Act authorizing the Texas State Department of Health to receive by gift certain land in Nueces County for public health purposes and declaring an emergency."

S. B. No. 835, A bill to be entitled "An Act amending Sections 3.26, 3.27, and 3.28 of the Texas Water Quality Act, as amended (codified as Article 7621d-1, Vernon's Texas Civil Statutes), relating to the development of water quality management plans for the state and for designated areas of the state; providing severability; and declaring an emergency."

(With amendments.)

S. B. No. 837, A bill to be entitled "An Act relating to the lease of uranium and thorium and related minerals within surveys and portions of surveys sold with minerals reserved to the state; etc., and declaring an emergency."

S. B. No. 880, A bill to be entitled "An Act relating to the election of

trustees in certain independent school districts; and declaring an emergency."

S. B. No. 900, A bill to be entitled "An Act amending Subsection (b) of Section 7 of Article 8161b of the Revised Civil Statutes of the State of Texas, authorizing the commissioner's courts to fix compensation for commissioners of drainage districts in counties having a population of 240,000 or more, according to the last preceding census; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 910, A bill to be entitled "An Act relating to the creation of the Structural Pest Control Board; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 912, A bill to be entitled "An Act amending the Texas Banking Code, authorizing stockholders and employees of state banks, national banks or private banks to take acknowledgments of instruments in which such banks are interested; validating all such acknowledgments heretofore taken; and declaring an emergency."

S. B. No. 924, A bill to be entitled "An Act relating to the election of board members of the Plateau Underground Water Conservation and Supply District; etc.; and declaring an emergency."

S. B. No. 956, A bill to be entitled "An Act providing for the authorization and issuance by any city or town, which owns a sea life park and oceanarium, the same having been or being constructed, equipped and developed wholly or partly with the proceeds of duly voted general obligation park bonds; etc.; and declaring an emergency."

S. B. No. 961, A bill to be entitled "An Act validating certain actions of the Railroad Commission relating to the transportation of agricultural products in their natural state; and declaring an emergency."

S. B. No. 965, A bill to be entitled "An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution, located in Polk County, Texas; etc., and declaring an emergency."

(With amendments.)

S. B. No. 966, A bill to be entitled "An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution, in Polk County, Texas; etc.; and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act making it illegal to willfully and maliciously change, alter, or delete any portion of certain public documents for use in a political campaign for public office; providing penalties; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act relating to the jurisdiction of the county courts at law of Jefferson County in certain civil matters and cases; amending Section 2, Chapter 29, General Laws, Acts of the 34th Legislature, Regular Session, 1915, as amended (Article 1970-112, Vernon's Texas Civil Statutes), and Section 2, Chapter 152, Acts of the 59th Legislature, Regular Session, 1965 (Article 1970-126a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act relating to a pilot program to treat persons with various respiratory diseases at the Harlingen State Tuberculosis Hospital; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act relating to the exchange of benches in probate matters between the Judge of the County Court at Law of Cameron County and the Judge of the County Court of Cameron County; amending Section 6, Chapter 59, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Article 1970-305, Vernon's Texas Civil Statutes); validating the transfer of certain matters between the dockets of the courts prior to the effective date of this Act; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act providing for the appointment by the District Judge of the 84th Judicial District of Texas, composed of the Counties of Hansford, Hutchinson and Ochiltree, of an official shorthand reporter for such judicial district; providing his qualifications; etc.; and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act prohibiting certain activities relating to the counterfeiting or forging of out-of-state drivers' licenses

and related instruments; providing penalties; amending Subsection (a), Section 44A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act relating to the creation, jurisdiction, administration and procedures of the County Court at Law of Hunt County and the conforming of the jurisdiction and procedures of the County Court of Hunt County; and declaring an emergency."

H. B. No. 462, A bill to be entitled "An Act defining and regulating the business of giving bond in criminal and quasi-criminal cases, actions or proceedings; providing for the licensing of persons or corporations who engage in that business in any county with a population of 300,000 or more according to the last preceding federal census, and in counties of lesser population; providing for appeal from the Texas Bail Bond Board; providing for the administration of this Act by the Texas Bail Bond Board; providing for licensing fees; providing certain penalties; declaring legislative intent; and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act relating to the authority of the commissioners courts of certain counties to appoint a special investigator to serve under the direction of the county attorney; and declaring an emergency."

H. B. No. 774, A bill to be entitled "An Act relating to a time limit and the burden of proof in contraband narcotics vessel, vehicle, or aircraft seizure and forfeiture hearings; amending Sections 5 and 6, Chapter 300, Acts of the 54th Legislature, 1955 (Article 725d, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 878, A bill to be entitled "An Act providing for the compensation of the Official Shorthand Reporter of the 149th Judicial District of Texas; providing for the manner of payment; providing that if any section, paragraph, sentence, clause, phrase, or any part of this Act be invalid, such invalidity shall not affect the remainder thereof; repealing all laws and parts of laws in conflict

to the extent of such conflict only; and declaring an emergency."

H. B. No. 892, A bill to be entitled "An Act relating to the salary of the juvenile officer of Van Zandt County; amending Subsection (b), Section 5, Chapter 379, Acts of the 59th Legislature, Regular Session, 1965 (Article 5139WW, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 893, A bill to be entitled "An Act relating to the creation, administration, powers, duties, and financing of Van Zandt County Hospital District of Van Zandt County, Texas, by authority of Article IX, Section 9, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 918, A bill to be entitled "An Act relating to requiring the commissioners courts of certain counties to provide for emergency ambulance service within those counties; and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act amending Section 11.23(a) in Subchapter B of Chapter 11, Texas Education Code, to provide regular meeting dates of the State Board of Education; and declaring an emergency."

H. B. No. 1019, A bill to be entitled "An Act to amend Section 12.31, Texas Education Code, concerning the location and/or change of textbook depository(ies) and the approval thereof by the State Board of Education as the shipping point for a textbooks supply; and declaring an emergency."

H. B. No. 1039, A bill to be entitled "An Act creating the office of Criminal District Attorney for Lubbock County, providing qualifications, powers, and duties of the Criminal District Attorney for Lubbock County; providing for the election of a Criminal District Attorney for Lubbock County; providing compensation and expenses of the Criminal District Attorney for Lubbock County and his assistants, investigators, and stenographers; providing for the organization of the office of Criminal District Attorney of Lubbock County; making other provisions relating to the office of Criminal District Attorney for Lubbock County; abolishing the office of County Attorney of Lubbock County on January 1, 1973, and abolishing the office of District Attorney for the

72nd Judicial District on January 1, 1973, and providing that the duties of the District Attorney for the 72nd Judicial District shall thereafter be performed in Crosby County by the County Attorney of Crosby County and making other provisions relating thereto; providing a repealing clause; providing a severability clause; providing for the prohibition from the private practice of the law by the Criminal District Attorney and his assistants; and declaring an emergency."

H. B. No. 1069, A bill to be entitled "An Act relating to the liability of the surety on bonds for licensed warehousemen; amending Subsection (d), Section 7, Chapter 811, Acts of the 61st Legislature, Regular Session, 1969 (Article 5577b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1081, A bill to be entitled "An Act relating to an increased maintenance tax in certain school districts; amending Section 1, Chapter 63, Acts of the 60th Legislature, Regular Session, 1967 (Article 2784e-8, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1107, A bill to be entitled "An Act amending Chapter 148, Acts of the 61st Legislature of the State of Texas, Regular Session, 1969 (Article 8280-405, Vernon's Texas Civil Statutes), to provide that land may be annexed to Harris County Utility District No. 1 in the manner provided by Article 7930-2, Section 2, V. T. C. S.; providing a severability clause; and declaring an emergency."

H. B. No. 1113, A bill to be entitled "An Act amending Section 2, Chapter 455, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421C-12, Vernon's Texas Civil Statutes); exempting the sale of certain real property interests of political subdivisions from bid procedures and publication requirements; and declaring an emergency."

H. B. No. 1124, A bill to be entitled "An Act relating to the use of certain types of firearms in Liberty and Chambers counties; providing penalties; and declaring an emergency."

H. B. No. 1161, A bill to be entitled "An Act relating to the sale of fish in Gonzales County; providing penalties; and declaring an emergency."

H. B. No. 1195, A bill to be entitled "An Act relating to the salaries of the official shorthand reporters for the 42nd and 104th Judicial Districts of Texas; amending Subsections (a) and (b), Section 1, Chapter 241, Acts of the 59th Legislature, Regular Session, 1965 (Article 2326j-42, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1267, A bill to be entitled "An Act amending Acts of the Fifty-fourth Legislature, 1955, Chapter 257, page 715, as amended, codified as Article 4494n, Vernon's Civil Statutes of Texas, as amended, by adding a provision to be inserted into Section 4, thereof, authorizing the Board of Managers to convey, upon nominal consideration, unneeded real estate back to the city or county which had conveyed to the District for District purposes upon creation of the Hospital District; providing a severability clause; and that the provisions hereof shall control in the event of conflict with other laws; and declaring an emergency."

H. B. No. 1319, A bill to be entitled "An Act relating to buildings and facilities constructed in the state by use of federal, state, county, or municipal funds or the funds of any political subdivision of the state and buildings leased or rented by the state and their accessibility to, and usability by, the physically handicapped; amending Sections 2, 17, and 20, Chapter 324, Acts of the 61st Legislature, Regular Session, 1969 (Article 678g, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1381, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as "Harris County Utility District No. 11"; etc.; and declaring an emergency."

H. B. No. 1382, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as "Harris County Utility District No. 12"; etc.; and declaring an emergency."

H. B. No. 1383, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as "Harris County Utility District No. 13"; etc.; and declaring an emergency."

H. B. No. 1384, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under and essential to the purposes of Article 16, Section 59 of the Constitution of Texas to be known as "Harris County Utility District No. 14"; etc.; and declaring an emergency."

H. B. No. 1390, A bill to be entitled "An Act amending Chapter 25, Section 120, Acts of the 39th Legislature, 1925, as amended (Article 7880-120, Vernon's Annotated Texas Civil Statutes), by changing the manner of payment of construction contracts by water control and improvement districts; and declaring an emergency."

H. B. No. 1391, A bill to be entitled "An Act amending Chapter 43, Section 35, Acts of the 35th Legislature, 4th Called Session, 1918, as amended (Article 7855, Vernon's Annotated Texas Civil Statutes), by changing the manner of payment of construction contracts by water control and improvement districts; and declaring an emergency."

H. B. No. 1397, A bill to be entitled "An Act relating to city depositories; amending Article 2559, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1438, A bill to be entitled "An Act relating to policemen's pension funds in certain cities; amending Section 1, Chapter 76, Acts of the 50th Legislature, Regular Session 1947 (Article 6243g-1, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1456, A bill to be entitled "An Act authorizing the Chairman of the Board of Regents of Texas Tech University, on behalf of the State of Texas, to execute and deliver a proper conveyance granting a right-of-way easement to the Pioneer Natural Gas Company under, across, over, and through a certain described tract of land out of Section 1, Block E-2, Lub-

bock County, Texas; validating, ratifying, and confirming certain actions and conveyances by the Board of Regents of Texas Tech University and the Chairman of the Board of Regents; and declaring an emergency."

H. B. No. 1605, A bill to be entitled "An Act relating to the use of the county available school fund and eligibility for minimum foundation school program funds in certain counties; and declaring an emergency."

H. B. No. 1606, A bill to be entitled "An Act relating to credit for average daily attendance of students at certain county-wide schools in certain counties; and declaring an emergency."

H. B. No. 1611, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Northwest Harris County Public Utility District No. 1'; etc.; and declaring an emergency."

H. B. No. 1612, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Northwest Harris County Public Utility District No. 2'; etc.; and declaring an emergency."

H. B. No. 1613, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Northwest Harris County Public Utility District No. 3'; etc.; and declaring an emergency."

H. B. No. 1615, A bill to be entitled "An Act relating to an additional tax for common school districts in certain counties; amending Sections 1 and 3, Chapter 719, Acts of the 60th Legislature, Regular Session, 1967 (Article 2784e-10, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1619, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Cypresswood Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1633, A bill to be entitled "An Act authorizing the Commissioners Court of Kerr County to quitclaim to the County of Kendall all right, title, and interest of the County of Kerr in and to two certain described tracts of land in the town of Comfort, Texas; and declaring an emergency."

H. B. No. 1639, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Mossy Oaks Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1640, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as El Dorado Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1649, A bill to be entitled "An Act to reenact and amend Chap. 425, Acts of the 56th Leg., Reg. Ses., 1959, as amended (Art. 726d, Vernon's Texas Penal Code), by better defining barbiturates, amphetamines, hallucinogens and hypnotic drugs, and adding definitions for tranquilizers, phenmetrazine, methyphenidate, glutethimide, and procaine; redefining manufacturers and wholesalers; making it illegal to possess a hypodermic syringe for use of dangerous drugs; increasing the penalty for first offense possession of barbiturates, amphetamines and hallucinogens to a felony; adding a penalty for the manufacture of dangerous drugs; adding a penalty for possessing certain precursors for the manufacture of Speed; providing for severability; and declaring an emergency."

H. B. No. 1676, A bill to be entitled "An Act relating to an increased maintenance tax in certain common school districts; and declaring an emergency."

H. B. No. 1677, A bill to be entitled "An Act providing for the creation of the Hansford County Hospital District over all of Hansford County, Texas; etc.; and declaring an emergency."

H. B. No. 1702, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article 16, Section 59, Constitution of Texas, in Harris County, Texas, to be known as Mason Creek Utility District of Harris County, Texas; etc.; and declaring an emergency."

H. B. No. 1718, A bill to be entitled "An Act relating to the creation, administration, powers, duties, and financing of Grapeland Hospital District of Houston County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1721, A bill to be entitled "An Act amending Chapter 337, Acts of the 58th Legislature, 1963 (Article 8280-296, Vernon's Texas Civil Statutes), which provided for the creation and establishment of the Aransas County Conservation and Reclamation District, so as to provide such district shall be empowered to purchase, acquire, construct, operate, maintain, improve and extend a sanitary sewer system in and for the area of the said district; providing for the issuance of revenue bonds for sanitary sewer system purposes; making certain findings in connection herewith; providing a severance clause; and declaring an emergency."

H. B. No. 1771, A bill to be entitled "An Act relating to the salaries of county officers and employees in certain counties; and declaring an emergency."

H. B. No. 1784, A bill to be entitled "An Act changing the name of the Texas Fine Arts Commission to the Texas Commission on the Arts and Humanities; modifying the powers and duties of the Commission in accordance with the change in name; amending Sections 1, 3, and 4, Chapter 323, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6144g, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1792, A bill to be entitled "An Act relating to the compensation to be paid counsel appointed to defend an indigent; amending Section 1, Article 26.05, Code of Criminal Procedure, 1965, as amended; and declaring an emergency."

H. B. No. 1799, A bill to be entitled "An Act excluding from the boundaries of Maverick County Water Control and Improvement District No. 1 all territory and land situated within the corporate limits of the City of Eagle Pass, Texas; authorizing the exclusion of territory and land from said District which hereafter is annexed to said City; providing that excluded property shall continue to be subject to taxation by the District to pay outstanding District indebtedness payable from taxes and outstanding at time of exclusion and providing for the levy, assessment and collection of such taxes; reconstructing the District as a water control and improvement district; containing other provisions relating to the subject; containing a severability clause; and declaring an emergency."

H. B. No. 1807, A bill to be entitled "An Act relating to hunting spike deer and the use of a dog to hunt deer in Houston County; providing that the possession of certain weapons while in the control of a dog, or while accompanying or in the presence of another person in control of a dog is prima facie evidence of hunting deer with a dog in Houston County; amending Section 13, the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code), by adding Subsection m; and declaring an emergency."

H. B. No. 1808, A bill to be entitled "An Act relating to the sale of fish in certain areas of Houston County; amending Section 2, Chapter 297, Acts of the 52nd Legislature, Regular Session, 1951, as amended; and declaring an emergency."

H. B. No. 1809, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Rolling Fork Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1811, A bill to be entitled "An Act making the General Ignacio Zaragoza Historical Site a part of Goliad State Park; amending Section 2, Chapter 276, Acts of the 57th Legislature, Regular Session, 1961 (Article 6077s, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1812, A bill to be entitled "An Act authorizing the County of

Goliad to convey title to the surface of certain lands to the Parks and Wildlife Department and the Parks and Wildlife Department to accept title on behalf of the State of Texas as the historical site of the Mission of San Rosario and as a part of Goliad State Park; authorizing the Parks and Wildlife Department to construct, maintain, and repair historical and recreational fences, structures, and facilities; containing a reverter clause; and declaring an emergency."

H. B. No. 1839, A bill to be entitled "An Act adding Trinity County to the list of counties that may hold an election to determine whether or not livestock may be permitted to run at large in the county; amending Article 6954, Revised Civil Statutes of Texas, 1925, as amended; declaring the effect of the Act; and declaring an emergency."

H. B. No. 1845, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas; to be known as Emerald Forest Utility District of Harris County, Texas; etc.; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 239.
H. B. No. 372.
H. B. No. 373.
H. B. No. 398.
H. B. No. 411.
H. B. No. 444.
H. B. No. 509.
H. B. No. 511.
H. B. No. 512.
H. B. No. 614.
H. B. No. 726.

H. B. No. 759.

H. B. No. 844.

H. B. No. 927.

H. B. No. 1003.

H. B. No. 1043.

H. B. No. 1086.

H. B. No. 1153.

H. B. No. 1205.

H. B. No. 1289.

H. B. No. 1304.

H. B. No. 1353.

H. B. No. 1525.

H. B. No. 1600.

H. B. No. 1601.

H. B. No. 1608.

H. B. No. 1620.

H. B. No. 1644.

H. B. No. 1658.

H. B. No. 1679.

H. C. R. No. 151.

H. C. R. No. 146.

(President in Chair.)

Presentation of Guest

The President recognized Senator Bernal, who presented as a guest of the Senate today William H. White, former Senate page and the recent winner of the American Legion National Oratorical Contest.

Pursuant to the provisions of S. R. No. 1186, Mr. White presented his winning address "The Bill of Rights—Reciprocal Rights and Duties" to the Members of the Senate.

The Members of the Senate gave Mr. White a standing ovation.

Report of Standing Committee

By unanimous consent, Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

H. B. No. 463 (Floor report).

H. B. No. 1753 (Amended) (Floor report).

Senate Resolution 1306

By unanimous consent, Senator Creighton offered the following resolution:

S. R. No. 1306, Providing for the creation of an Interim Committee to Study State-owned Aircraft.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1307

By unanimous consent, Senator Mauzy offered the following resolution:

S. R. No. 1307, Providing for the creation of an Interim Committee to study problems connected with automobile insurance.

The resolution was read and was referred to the Committee on Administration.

Senate Resolution 1313

By unanimous consent, Senator Watson offered the following resolution:

S. R. No. 1313, Requesting the Advisory Council for Technical-Vocational Education and Texas State Technical Institute to investigate the need for vocational training courses for dairy employees.

The resolution was read and was referred to the Committee on Administration.

Notice of Executive Session

Senator Christie gave Notice that he would on tomorrow make a motion for an Executive Session at 11:30 o'clock a.m.

Senate Concurrent Resolution 104

By unanimous consent, Senator Herring offered the following resolution:

S. C. R. No. 104, Granting permission to George Schafer to sue the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 105

By unanimous consent, Senator Herring offered the following resolution:

S. C. R. No. 105, Granting permission to Gordon Carlson to sue the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 106

By unanimous consent, Senator Herring offered the following resolution:

S. C. R. No. 106, Granting permission to William J. Moltz, Jr., to sue the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 107

By unanimous consent, Senator Herring offered the following resolution:

S. C. R. No. 107, Granting permission to Fred E. Geiger to sue the State of Texas.

The resolution was read and was referred to the Committee on Jurisprudence.

Reports of Standing Committees

By unanimous consent, Senator Moore submitted the following reports for the Committee on State Affairs:

S. B. No. 1021.

C. S. S. B. No. 1012 (Read first time).

S. B. No. 783.

S. B. No. 788.

H. B. No. 40.

H. B. No. 237.

H. B. No. 638.

H. B. No. 928 (Amended).

H. B. No. 1015.

H. B. No. 156.

By unanimous consent, Senator Herring submitted the following report for the Committee on Jurisprudence:

H. B. No. 1202 (Floor report).

By unanimous consent Senator Watson submitted the following report for the Committee on Environment:

H. B. No. 322 (Floor report). (Amended.)

House Bill 1830 on Third Reading

On motion of Senator Watson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

H. B. No. 1830, A bill to be entitled "An Act relating to and regulating relationships, direct and indirect, of officers, directors and certain shareholders of insurance companies; etc.; and declaring an emergency."

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Conference Committee Report
on Senate Bill 442

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas,
May 20, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus F. Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on

S. B. No. 442, have met and adjusted our differences and beg leave to recommend that S. B. No. 442 be passed in the form attached hereto.

Respectfully submitted,

MAUZY
KENNARD
BERNAL
McKOOL
WALLACE

On the part of the Senate.

ATWELL
HULL
BRAECKLEIN
SPURLOCK

On the part of the House.

S. B. No. 442:

A BILL TO BE ENTITLED

An Act relating to the compensation of certain county and district officials in certain counties; amending Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes); amending Section 2, Chapter 697, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3883i-1, Vernon's Texas Civil Statutes,) amending Sections 1, 2, 2a, and 3, Chapter 11, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes); amending Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (a), Section 8, Chapter 427, Acts of the 54th Legislature, 1955, as amended (Article 3883i, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) In all counties of this state having a population of not less than one million, two hundred thousand (1,200,000) inhabitants and not more than one million, five hundred thousand (1,500,000) inhabitants, according to the last preceding Federal Census, the Commissioners Court shall fix the salaries of county officials as follows:

"The salary of the county judge shall be Twenty-eight Thousand Eight Hundred Dollars (\$28,800) per annum; the county commissioners, Twenty-seven Thousand Six Hundred Dollars (\$27,600); criminal district attorney and district attorney, Thirty Thousand Dollars (\$30,000); probate judge, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); sheriff, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); tax assessor and collector, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); judges of county courts at law and county criminal courts, Twenty-seven Thousand, Six Hundred Dollars (\$27,600); county clerk and district clerk, Twenty-four Thousand Dollars (\$24,000); county treasurer, Twenty-three Thousand, Four Hundred Dollars (\$23,400). Salaries fixed by this Section shall be payable in equal monthly installments; provided, however, that the total salary received by the tax assessor and collector, including all additional fees and compensation, shall not exceed Thirty Thousand Dollars (\$30,000) per annum in the aggregate; justices of the peace and the constables shall receive not to exceed Nineteen Thousand, Two Hundred Dollars (\$19,200) per annum to be paid in equal monthly installments; provided that the justices of the peace and constables whose precincts lie wholly or in part in cities having a population of six hundred thousand (600,000) or more, according to the last preceding Federal Census, shall receive not less than Twenty-one Thousand, Six Hundred Dollars (\$21,600) per annum. The county judge in such counties, shall be allowed in addition to all other compensation fixed herein, the sum of Three Thousand Dollars (\$3,000) per annum for serving as a member of the County Juvenile Board which shall be paid in twelve (12) equal monthly installments out of the general fund of such county and which additional compensation shall be in addition to all other salary or other compensation now paid to such county judge.

"The commissioners court of each county to which this Subsection (a) applies may increase the salary or maximum salary of each officer enumerated in this Subsection in an additional amount not to exceed 20 percent of the salary or maximum salary, exclusive of supplemental compensa-

tion, authorized in this Subsection. No increased compensation may be authorized pursuant to this paragraph of this Subsection (a), until, at a regular meeting, the commissioners court holds a public hearing upon the question of any proposed increase, following publication of notice of that public hearing, in a newspaper of general circulation in that county, at least two (2) times, one time a week prior to such public hearing."

Sec. 2. Section 2, Chapter 697, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 3883i-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 2. In all counties having a population of not less than five hundred thousand (500,000) nor more than seven hundred fifty thousand (750,000), according to the last preceding federal census, the commissioners court shall fix the salaries of the county officers as follows: The salary of the county judge shall be not less than Twenty-eight Thousand Eight Hundred Dollars (\$28,800) per year; the county commissioners, not less than Twenty-seven Thousand Six Hundred Dollars (\$27,600); the district attorney, not less than Thirty Thousand Dollars (\$30,000); the sheriff, not less than Twenty-seven Thousand Six Hundred (\$27,600); the tax assessor and collector, not less than Twenty-seven Thousand Six Hundred Dollars (\$27,600); the probate judge and judges of county courts at law and county criminal courts, not less than Twenty-seven Thousand Six Hundred Dollars (\$27,600); the county clerk and the district clerk, not less than Twenty-four Thousand Dollars (\$24,000); and the county treasurer, not less than Eighteen Thousand Five Hundred Dollars (\$18,500). Salaries fixed by this Section shall be payable in equal monthly installments. Justices of the peace and constables of Precincts One, Two, and Three of such county and the constable of Precinct 6 shall receive not less than Fourteen Thousand Five Hundred Dollars (\$14,500) per year, to be paid in equal monthly installments. The county judge shall be allowed, in addition to all other compensation fixed in this Section, the sum of Three Thousand Dollars (\$3,000) per year for serving as a member of the County Juvenile Board. This additional compensation shall be paid in twelve

(12) equal monthly installments and shall be in addition to all other salary or other compensation now paid to such county judge."

Sec. 3. Sections 1, 2, 2a, and 3, Chapter 11, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-26, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. In addition to the compensation provided by law and paid by the State of Texas, the Commissioners Court of any county having a population of not less than five hundred thousand (500,000) and not more than eight hundred thousand (800,000) persons, according to the last preceding federal census, shall pay the sum of Twelve Thousand Dollars (\$12,000) per annum, to be paid out of the general fund of any such county, in equal monthly installments, to each of the judges of the District Courts and of the Criminal District Courts whose districts are comprised solely of any such county, for all services rendered to the county and for performing administrative duties.

"Section 2. The compensation provided for in Section 1 hereof shall be in addition to all other compensation paid, or authorized to be paid, to each judge of the District Courts and of the Criminal District Courts of any such county, by the State of Texas, and shall be in lieu of all other compensation for services heretofore allowed to be received by district judges from any such county.

"Section 2a. If the Chief Probation Officer of any such county serves as Secretary to the Juvenile Board of the county, he may receive as compensation for this additional service the sum of One Thousand Dollars (\$1,000) per year, such amount to be paid in addition to his regular salary.

"Section 3. Any district judge of the State of Texas who may be assigned to sit for any one (1) of the judges of the District Courts or of the Criminal District Courts of any such county, under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), or Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 6228b, Vernon's Texas Civil Statutes), may, while so serving, receive in addition

to his necessary expenses, additional compensation from county funds, in an amount to be set by the Commissioners Court of any such county not to exceed the difference between the pay of such visiting judge from all sources and the pay received from all sources by the district judges in any such county, such amount to be paid by the county upon approval of the presiding judge of the Administrative Judicial District in which said court is located."

Sec. 4. Section 1, Chapter 211, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6819a-25a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In any county in this State having a population of 1,200,000 or more and not more than 1,500,000 according to the last preceding Federal Census, the Judges of the several District and Criminal District Courts of such counties shall receive, in addition to the salary paid by the State to them, and to other District Judges of this State, the sum of \$12,000 annually, to be paid in equal monthly installments out of the General Fund or Officers' Salary Fund of such counties. The Commissioners Court shall make proper budget provisions for the payment thereof. Any District Judge of the State who may be assigned to sit for the Judge of any District Court in such counties under the provisions of Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as amended (Article 200a, Vernon's Texas Civil Statutes), may, while so serving, receive in addition to his necessary expenses, additional compensation from county funds in an amount not to exceed the difference between the pay of such visiting Judge from all sources by District Judges in the counties affected by the provisions of this Act, such amount to be paid by the county upon approval of the presiding Judge of the Administrative District in which said Court is located."

Sec. 5. As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

**Conference Committee Report
on Senate Bill 537**

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas,
May 20, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 537 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY
SCHWARTZ
BERNAL
WALLACE
PATMAN

On the part of the Senate.

COBB
WAYNE
FINNELL
STROUD

On the part of the House.

S. B. No. 537:

**A BILL
TO BE ENTITLED**

An Act requiring political parties with Statewide organization to adopt and file rules for the conduct of party affairs; amending the Texas Election Code by adding Section 220b; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The Texas Election Code is amended by adding Section 220b, to read as follows:

"220b. Party rules.

"Subdivision 1. On a date no later than 30 days prior to the first precinct convention to be held in 1972, each political party with a Statewide organization which made any nomination for the 1970 general election or plans to make any nomination for the 1972 general election shall file with the Secretary of State a set of specific, detailed, and written party rules for the conduct of its conventions, executive meetings, and any other party meetings.

"Subdivision 2. The rules shall state, or adopt by reference, the rules of parliamentary procedure which govern the conduct of the party's conventions and meetings from the precinct level through the State level, including rules on quorums, methods by which votes shall be cast and counted, the operation of committees, the appointment and duties of convention committees, presentation of delegate nominations, presentation of resolutions and other matters for consideration by a convention, and the method of selecting presidential elector candidates. The rules shall prohibit proxy voting within the party at any level. Further, the rules shall provide for the nomination, election and formulae for representative apportionment within the State of all party officials, convention delegates and alternates, and convention officials, except for those party officials and delegates whose election is presently regulated by statute and except for the state's representatives on the National Committee. The rules shall provide for the nomination and election of the State's representatives on the National Committee. Any formulae for apportionment adopted in the rules of any party must be based upon relative population or party strength within participating units, or both, provided that State party rules comply with the rules, regulations, and official convention call of the party's national committees, where said rules pertain to national conventions. The rules must provide for the periodic and timely publicizing of such rules, the processes and procedures by which the party rules and procedures must be adopted and amended, and any other matters within the discretion of

the party. They may not conflict with any statutory prescription or prohibition.

"Subdivision 3. The chairman of the State executive committee of the party is responsible for filing a copy of the rules with the Secretary of State, but any member of the State executive committee may file the rules if the chairman fails to do so. The rules must be certified by the State chairman or by two other members of the State committee as having been adopted at a State convention of the party, with the date and place of holding the convention shown in the certificate, except that temporary rules for 1972 may be adopted by the State executive committee of the party subject to action by the next State Convention as provided in Subdivision 6. These party rules shall be published and made available through State party headquarters to any interested person on request.

"Subdivision 4. The rules may be changed only by action of a State Convention. When any change is made, a certified copy of the changes shall be filed with the Secretary of State, in the manner described in Subdivision 3, not later than 30 days following their adoption.

"Subdivision 5. The rules as filed with the Secretary of State shall govern the conduct of the party's conventions and the meetings of its executive committees. Observance of a rule may be enforced through mandamus proceedings as provided in Section 218 of this code and Chapter 723, Acts of the 60th Legislature, 1967 (Article 1735a, Vernon's Texas Civil Statutes), the same as if the rule were embraced in this code.

"Subdivision 6. If on January 1 of a year in which a general election is held, a party which had nominees on the ballot at either of the last three general elections has not filed a set of rules in accordance with this section, the Secretary of State shall give written notice to the State chairman of the party within 15 days thereafter, informing him that no nominee of the party will be placed on the ballot for the general election that year unless the rules are filed not later than 30 days prior to the first precinct convention to be held that year, provided that for 1972, the State Executive Committee of the party may adopt temporary rules to be ratified in ac-

cordance with this Subdivision. Any duly constituted, properly representative committee of the party, on authorization of the State chairman or a majority of the State executive committee, may draft temporary rules to be put into effect by a majority vote of the State executive committee. These temporary rules must be submitted, with advance publicity preceding their presentation, as an item of business on the official agenda of the party's next State convention for debate, amendment and permanent ratification. The Secretary of State shall notify each county clerk, not later than the date of the general primary election that year, of any such political party which has failed to comply with the requirements of this section. Neither the Secretary of State nor any county clerk may accept a certification of nominations made by a defaulting party for the general election that year, and no nominee of that party, may be placed on the ballot for the election."

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Conference Committee Report on Senate Bill 369

Senator Mauzy submitted the following Conference Committee Report:

Austin, Texas,
May 18, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 369 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MAUZY
BRIDGES
JORDAN
KENNARD
KOTHMANN

On the part of the Senate.

OGG
HALE
CLAYTON
COBB
DOYLE

On the part of the House.

S. B. No. 369:

A BILL
TO BE ENTITLED

An Act requiring the use of the jury wheel in all counties and providing the source of names to be used for jury wheels; and providing for certain procedures relating to the use of the jury wheel and selection of juries; amending Articles 2094, 2095, 2100, and 2101, Revised Civil Statutes of Texas, 1925, as amended, and Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes), and Chapter 122, Acts of the 50th Legislature, Regular Session, 1947 (Article 2103a, Vernon's Texas Civil Statutes); authorizing the judge of a court to determine the necessary number of jurors to be drawn from the jury wheel and authorizing the parties to a suit to view drawing of names from the jury wheel, amending Article 2096, Revised Civil Statutes of Texas, 1925, as amended; providing for extra jurors; amending Article 2118, Revised Civil Statutes of Texas, 1925, as amended; providing for service by the sheriff to appear and report for jury service, amending Section 1, Chapter 338, Acts of the 45th Legislature, Regular Session, 1937 (Article 2116d, Vernon's Texas Civil Statutes); providing that a court may not excuse a juror for economic reasons, amending Article 2120, Revised Civil Statutes of Texas, 1925, providing for qualifications for jury service, amending Subsection 1, Article 2133, Revised Civil Statutes of Texas, 1925, as amended; providing certain exceptions to jury service, amending Article 2135, Revised Civil Statutes of Texas, 1925, as amended; relating to the number of peremptory challenges to be

assigned to parties requiring names of stricken jurors to be returned to the jury wheel; relating to removal from the jury panel; repealing Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2116e, 2119, and 2136, Revised Civil Statutes of Texas, 1925, as amended, Chapter 454, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 2116c, Vernon's Texas Civil Statutes), and Chapter 395, Acts of the 58th Legislature, 1963, as amended (Article 2103b, Vernon's Texas Civil Statutes); repealing all laws in conflict; providing a severability clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 2094, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2094. Between the first and fifteenth days of August of each year, in each county in this State, the tax collector, sheriff, county clerk, and district clerk of the county, each in person or represented by one of his deputies, shall meet at the county courthouse and reconstitute the jury wheel, using as the sole and mandatory source, all names on the voter registration lists from all precincts in the county."

Sec. 2. Article 2095, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2095. Cards put in wheel; typists and expenses.

"Said officers shall write the names of all persons on said precinct lists, residing in their respective counties, on separate cards of uniform size and color, writing also on said cards, whenever possible, the post-office address of each juror so selected, except that in counties having a population of one hundred forty thousand (140,000) or more, according to the last preceding federal census, the Commissioners Court shall provide out of the jury fund a sum sufficient for the employment of typists and payment of other expenses. The typists, under the direction, control and supervision of the district clerk, shall type the names and addresses of qualified jurors upon the cards as herein described. The expenses so in-

curred shall be authorized, reported, paid and accounted for under the same laws, rules and regulations as govern the payment of other expenses of the office of the district clerk in such counties, except as otherwise herein specifically provided. The cards containing said names shall be deposited in a jury wheel, to be provided for such purpose by the Commissioners Court of the county. Said wheel shall be constructed of any durable material and shall be so constructed as to freely revolve on its axle; and may be equipped with a motor capable of revolving said wheel in such a manner as to thoroughly mix said cards; and shall be kept locked at all times, except when in use as hereinafter provided, by the use of two separate locks, so arranged that the key to one will not open the other lock; and said wheel, and the clasps thereto attached into which the locks shall be fitted, shall be so arranged that the wheel cannot be opened unless both of said locks are unlocked at the time the wheel is opened. The keys to such locks shall be kept, one by the sheriff and the other by the district clerk. The sheriff and the clerk shall not open such wheel, nor permit the same to be opened by any person, except at the time and in the manner and by the persons herein specified; but said sheriff and clerk shall keep such wheel, when not in use, in a safe and secure place, where the same cannot be tampered with."

Sec. 3. Article 2100, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2100. Loss of wheel. If the wheel containing the names of jurors be lost or destroyed, with the contents thereof, or if all the cards in said wheel be drawn out, such wheel shall immediately be refurnished, and cards bearing the names of jurors shall be placed therein immediately in accordance with the laws of the State."

Sec. 4. Subsections 1 and 3, Article 2101, Revised Civil Statutes of Texas, 1925, as amended, are amended to read as follows:

"Article 2101. Interchangeable juries. The provisions of this article shall be applicable only to such counties of this State as may now maintain three or more district courts, or in which three or more district courts

may be hereafter established. A criminal court in any county with jurisdiction in felony cases shall be considered a district court within the meaning of this article. The 'Interchangeable Jury Law' shall not apply to a selection of jurors in lunacy cases or in capital cases.

"1. Jury Wheel Law governs.—The provisions of the statutes governing jury wheels shall remain in full force and effect, except as modified by the special provisions of this law.

"3. Used interchangeably.—Said jurors, when impaneled shall constitute a general jury panel for service as jurors in all county and district courts in said county, and shall be used interchangeably in all of said courts. In the event of a deficiency of jurors at any given time to meet the requirement of all said courts, the judge having control of the said general panel shall order such additional jurors to be drawn from the wheel as may be sufficient to meet the emergency, but such jurors shall act only as special jurors and shall be discharged as soon as their services are no longer needed. Resort to the wheel shall be had in all cases to fill out the general panel."

Sec. 5, Chapter 529, Acts of the 61st Legislature, Regular Session, 1969 (Article 2100a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2100a. Section 1. In lieu of any other procedure now provided by law, the Commissioners Court of any county in the State, upon recommendation of the district judge or a majority of the district judges of said courts, by order entered upon its minutes, may adopt a plan for the selection of persons for jury service with the aid of mechanical or electronic means.

"Section 2. Any such plan so adopted shall conform to the following requirements:

"(a) It shall be proposed in writing to the Commissioners Court by a majority of the judges of the district courts in such county, including criminal district courts, at a meeting of the district judges called for that purpose.

"(b) It shall specify that the sources from which names are to be taken for jury purposes are all voter registration lists from all precincts in the county.

"(c) It shall provide a fair, impartial, and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment.

"(d) It shall designate the clerk of the district courts as the official to be in charge of the selection process and shall define his duties.

"(e) It shall specify that a true and complete written list showing the names and addresses of the persons summoned to begin jury service on a particular date shall be filed of record with the county clerk at least 10 days prior to the date such persons are to begin such jury service.

"Section 3. In any county where such a plan is adopted, as above provided, the laws relating to the selection of petit juries by jury wheel shall not apply."

Sec. 6. Section 1, Chapter 122, Acts of the 50th Legislature, 1947 (Article 2103a, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2103a. County Judges and Judges of County Courts-at-Law in certain counties; drawing additional jurors.

"In all counties having two or more County Courts-at-Law, when a panel of jurors shall not have been drawn by one of the district judges as directed by Article 2101, or when the number of jurors drawn shall be deemed insufficient by the county judge or either of the judges of the County Courts-at-Law, the county judge or judge of either County Court-at-Law may order the drawing of such additional jurors from the jury wheel for service in any of such courts for so long a period of time as the trials in such courts may reasonably require. Such jurors when drawn shall be available for service in either of such courts. All of the provisions of law now otherwise governing the drawing of jurors in the courts in such counties by the district judge shall govern so far as applicable, except as herein otherwise expressly provided. The county judge and the judge of any of the County Courts-at-Law shall concurrently have the same authority with respect to determining and remedying a deficiency in the number of jurors as is now conferred on the judge having control of the general jury panel by Section 3,

Article 2101, Revised Civil Statutes of Texas, 1925, as amended."

Sec. 7. Article 2096, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2096. (a) Not less than 10 days prior to the first day of a term of court, the district clerk or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the district judge, if the jurors are to be drawn for district court, or the clerk of the county court, or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the county judge, if the jurors are to be drawn for the county court, shall draw from the wheel containing the names of the jurors, after the same has been well turned so that the cards therein are thoroughly mixed, one by one the names of those jurors where such judge has so directed to compose as many lists as the term of the district or county courts may require, and shall record the names upon as many lists as the judge shall deem necessary to insure an adequate number of jurors for each session of the court. At such drawing, no person other than those above named shall be permitted to be present, except as hereinafter provided. The officers attending such drawing shall not divulge the names of any person that may be drawn as a juror to any person. If at any time during the term it appears that the lists already drawn will be exhausted before the expiration of the term, additional jurors as are needed may be drawn in the same manner.

"(b) Drawing of names observed. Upon the application in writing of any party to any suit pending upon the docket of a court for which a jury is required, said party, or his duly authorized representative, shall have the right to be present and observe the drawing of names from the jury wheel and the placement thereof upon the jury lists for the time period in which his case is set, provided, however, that the identity of the names so drawn and placed upon the lists at such time shall not be made known to such observer."

Sec. 8. Article 2118, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2118. On any day when a jury has been summoned and there

are jury trials, the court shall select a sufficient number of qualified jurors, in his discretion, to serve as jurors. Such jurors shall be selected from the names included in the jury lists, if there be the requisite number of such in attendance who are not excused by the court, but if such number be not in attendance at any time, the court shall direct the sheriff to summon a sufficient number of qualified persons to make up the requisite number of jurors which is to be drawn from the jury wheel for jury trials in the district and county courts, under order of the court, to fill the panel. The names of such jurors to be summoned by the sheriff shall be drawn from the jury wheel as herein provided. All said extra jurors summoned shall be discharged when their services are no longer needed. The court may adjourn the whole number of jurors or any part thereof, to any subsequent day of the term, but the jurors shall not be paid for the time they may stand adjourned."

Sec. 9. Section 1, Chapter 338, Acts of the 45th Legislature, 1937 (Article 2116d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Article 2116d. Notification by the sheriff. The sheriff shall notify the several persons named for jury service by mailing notice thereof, which notice shall include the time and place at which said juror is to report, to the juror at the address shown by the card placed in the jury wheel, or the address shown by the last voter registration list in said county, and if said letter be received by some person authorized by the United States mail to receive said letter, said service shall be sufficient."

Sec. 10. Article 2120, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2120. The court may hear any reasonable sworn excuse of a juror, and may release him entirely or until some other day of the term; provided, however, the court shall not excuse any juror for economic reasons unless all parties of record are present and approve such excuse."

Sec. 11. Subsection 1, Article 2133, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"1. He must be a citizen of the State and of the county in which he

is to serve and qualified under the Constitution and laws to vote in said county."

Sec. 12. Article 2135, Revised Civil Statutes of Texas, 1925, as amended, is amended to read as follows:

"Article 2135. Jury Service. All competent jurors are liable to jury service, except the following persons:

"1. All persons over sixty-five (65) years of age.

"2. All females who have legal custody of a child or children under the age of ten (10) years."

Sec. 13. After proper alignment of parties, it shall be the duty of the court to equalize the number of peremptory challenges provided under Rule 233, Texas Rules of Civil Procedure, Annotated, in accordance with the ends of justice so that no party is given an unequal advantage because of the number of peremptory challenges allowed that party.

Sec. 14. Once a prospective juror has been removed from a jury panel for cause, by peremptory challenge, or for any reason, he shall be immediately dismissed from jury service and shall not be placed on another jury panel until his name is returned to the jury wheel and drawn again as a prospective juror.

Sec. 15. The following are repealed: Articles 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2116e, 2119, 2136, Revised Civil Statutes of Texas, 1925, as amended, Chapter 454, Acts of the 44th Legislature, 2nd Called Session, 1935 (Article 2116c, Vernon's Texas Civil Statutes), and Chapter 395, Acts of the 58th Legislature, 1963, as amended (Article 2103b, Vernon's Texas Civil Statutes).

Sec. 16. All statutes, rules of civil procedure, or case laws in conflict herewith are hereby repealed or modified to the extent of such conflict.

Sec. 17. For all counties under 10,000 population not presently using the jury wheel system for selection of jurors, the district judge of the county or of the judicial district of which the county is a part, may determine whether the county should come under the provisions of this law or may choose to adopt the jury commissioners system for selection of jurors in that county. If the district judge should determine to adopt the

jury commissioners system for selection of jurors in a particular county, he must do so by July 15, 1971, otherwise, the county will come under the provisions of this Act. If, pursuant to the passage of this Act, this Section is held to be unconstitutional by a court of this State or of the United States, then the jury wheel system for selection of jurors as provided by this Act shall be applicable to all counties of the State.

Sec. 18. The provisions of this Act shall become effective on July 15, 1971.

Sec. 19. If any article, section, sentence, clause, or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

The Conference Committee Report was read and was adopted.

**Conference Committee Report on
Senate Bill 460**

Senator Blanchard submitted the following Conference Committee Report:

Austin, Texas,
May 17, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 460, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BLANCHARD
WORD
CONNALLY
SNELSON
HIGHTOWER

On the part of the Senate.

JONES
MOORE
SHORT

CLAYTON
WILLIAMSON

On the part of the House.

S. B. No. 460,

**A BILL
TO BE ENTITLED**

An Act concerning the issuance of permits and taxation of suppliers, dealers, and users of liquefied gas and liquefied gas carburetor dealers; amending Articles 10.52, 10.53, 10.58, 10.59, 10.61, 10.62 and 10.63 and Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section (7) of Article 10.52, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"(7) 'User' means any person who delivers, or causes to be delivered, any liquefied gas into the fuel supply tanks of motor vehicles owned or operated by him for use on the public highways of the State of Texas."

Sec. 2. Article 10.52, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, is amended by adding two new sections to be designated as Section (14) and Section (15) of said article, to read as follows:

"(14) 'Farm Motor Vehicle' means any truck, pickup, automobile or any other self-propelled motor vehicle designed for use on or required to be licensed for operation upon the public highways, which is used primarily for or in connection with farming, ranching, and other agricultural operations.

"(15) 'Carburetor dealer' means any person engaged to any extent in the business of selling, leasing, renting, lending or installing any liquefied gas carburetion system on or for use on motor vehicles in this State."

Sec. 3. Sections (3), (4), (5) and (8) of Article 10.53, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, are amended to read as follows:

"(3) Every supplier shall collect and remit the tax, except as hereinafter provided to the contrary, upon each gallon of liquefied gas sold or delivered by him and shall pay the tax upon each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles owned or operated by him. Upon each taxable sale or delivery of liquefied gas to a user or to a dealer or service station for resale and delivery into motor vehicles, the tax shall be collected and remitted to this State on the gross or volumetric gallonage of liquefied gas so sold or delivered without temperature adjustment of the volume so delivered.

"It is expressly provided, however, that deliveries of liquefied gas may be made without collecting the tax otherwise imposed under the following circumstances: (a) when bulk sales or deliveries are made by a bonded supplier to other suppliers holding valid permits, or to bonded dealers, bonded users or special farm users who have secured from the Comptroller and then and there hold valid permits authorizing them to purchase liquefied gas tax free, or (b) when such deliveries are made by a bonded supplier into a stationary storage facility of a service station from which liquefied gas will be resold and delivered to purchasers for nonhighway use and not otherwise, providing such storage facility is maintained separate and apart from facilities servicing fuel supply tanks of motor vehicles and is prominently labeled 'NOT FOR HIGHWAY USE' in a manner prescribed by the Comptroller and in plain view of the public to indicate that non-tax paid products are contained therein, or (c) when such deliveries are made into separate fuel tanks not connected, or fitted for connection, to the propulsion system of the motor vehicle, on invoices showing the vehicle unit or highway license number and other information required by Article 10.62 of this Subchapter, or (d) when such deliveries are made into the fuel supply tanks of farm tractors, or other farm or ranch vehicles designed primarily for non-highway use, owned or operated by farmers and ranchers when said liquefied gas is used upon the public highway only to propel or move such tractors or vehicles to or from lands owned or operated by or

under the control of such farmers or ranchers and located within a ten (10) mile radius of the point which is the customary base of operations of said farmers or ranchers, or (e) when such deliveries are made to a purchaser for exclusive nonhighway use who furnishes the seller a signed statement that none of the liquefied gas purchased or acquired in Texas by him will be delivered by him or permitted by him to be delivered into the fuel supply tanks of motor vehicles; except as otherwise prescribed by rule and regulation of the Comptroller such statement, when furnished to a licensed supplier, shall be effective as long as said licensed supplier continues to sell and deliver liquefied gas to said purchaser, unless the statement is revoked in writing by the purchaser or supplier, or unless notice in writing of a change in the status of the purchaser is given the supplier by the Comptroller, or (f) when such deliveries are made into the fuel supply tank of any farm motor vehicle displaying a special farm user permit decal issued by the Comptroller as provided in this Subchapter.

"A taxable use of any part of the liquefied gas purchased tax free pursuant to Subchapter (e) above shall, in addition to the penal provisions otherwise provided by law, forfeit the right of the user thereof to purchase liquefied gas tax free for a period of one (1) year from the date of the offense. The Comptroller may, however, issue said person a special non-bonded user's permit, to be effective for the period of the forfeiture authorizing such person to file claim for refund of the tax paid on any liquefied gas used for nonhighway purposes under the refund provisions of Article 10.64 of this subchapter.

"(4) Every dealer shall collect the tax, where provided, on each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles, and shall report and pay to this State any tax so collected which has not been paid to a bonded supplier.

"(5) Every user except special farm users shall report and pay to this State the tax, at the rate imposed, on each gallon of liquefied gas delivered by him into the fuel supply tanks of motor vehicles, unless said tax has been paid to a supplier or dealer.

Every import user shall also report and pay the tax, at the rate imposed, on each gallon of liquefied gas imported into this State in the fuel supply tanks of motor vehicles owned or operated by him and used in the operation of such motor vehicles upon the public highways of this State. No permit shall be required and no tax shall be paid on liquefied gas imported in the fuel supply tanks of any motor vehicle when said fuel supply tanks, and any additional containers, have an aggregate capacity of not more than thirty (30) gallons, and if said motor vehicle is not operated by said user for hire, or compensation, or for commercial purposes.

"(8) In authorizing a special farm user to pay taxes in advance on the basis of one thousand two hundred (1200) gallons per calendar year for the privilege of thereafter purchasing such product tax free without securing another user's permit and performing the functions required of such user, it is expressly provided that if the Comptroller determines that taxes paid in advance for a special farm user's permit are wholly inadequate to compensate for the taxable gallons being used by the permittee on the public highways, he may require such permittee to pay taxes in advance based upon the actual taxable gallonage being so used which if not paid will be cause for revocation of the permit."

Sec. 4. Article 10.53, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, is amended by adding a new section to be designated "Section (9)" of said article, to read as follows:

"(9) No part of this subchapter shall prevent sale and delivery by a supplier or dealer to any person, user, or other consumer of liquefied gas for highway use when such user or consumer shall pay the prescribed tax to such supplier or dealer upon such delivery."

Sec. 5. Section (2) of Article 10.58, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, is amended to read hereinafter as follows:

"(2) Any person except persons holding special farm user permits, who operates one or more motor vehicles propelled with liquefied gas

within or into this State with a maximum gross loaded weight in excess of twelve thousand (12,000) pounds, without keeping the invoices and all other records required of him by law, from which the average miles traveled per gallon of liquefied gas consumed can be determined, shall be prima facie presumed to have consumed not less than one (1) gallon liquefied gas for every four (4) miles traveled by each such motor vehicle. Any person except persons holding special farm user permits who operates one or more pickups or other motor vehicles propelled with liquefied gas within or into this State with a maximum gross loaded weight of twelve thousand (12,000) pounds or less without keeping the invoices and all other records required of him by law shall be prima facie presumed to have consumed one (1) gallon of liquefied gas for every eight (8) miles traveled, and the taxes due this State shall be computed on this basis."

Sec. 6. Section (1) of Article 10.59, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, is amended to read as follows:

"(1) Every person defined herein as a supplier, dealer, carburetor dealer, special farm user, import user or other user shall secure from the Comptroller the kind and class of permit required herein to act in such capacity or to perform such functions. Application shall be filed with the Comptroller for any such permit on a form prescribed by the Comptroller, showing the kind and class of permit desired, and such other information as the Comptroller may require. It is expressly provided, however, that each applicant for a special farm user permit shall file with and as a part of such application and each renewal thereof, information showing for each motor vehicle equipped to use liquefied gas for its propulsion, the make, the motor number or other identification number, and the total mileage recorded on the speedometer of the motor vehicle at the time application is filed, and said information shall be filed with the Comptroller for each and every motor vehicle equipped to use liquefied gas as a fuel which is thereafter purchased or acquired or put into operation by said permit holder."

Sec. 7. Section (1) of Article 10.61, Subchapter B of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of Texas, is amended to read as follows:

"(1) Upon approval of an application and approval of any bond required, the Comptroller shall issue to the applicant a permit authorizing him to engage in the kind of business or other operation or to perform the functions set out in and authorized by the class of permit so issued. The permits shall be issued for each calendar year, or any unexpired part of a year, and shall be effective from the date of issue to the end of such calendar year, unless revoked or suspended for cause, as hereinafter provided. Such permits shall be of the kinds and classifications as set out hereinbelow:

"BONDED SUPPLIER PERMITS.

"Authorizing persons to engage in business as suppliers of liquefied gas to licensed dealers, users, other suppliers, and to other authorized purchasers of liquefied gas.

"NONBONDED DEALER PERMITS.

"Authorizing dealers whose purchases of liquefied gas are predominantly for sale and delivery into the fuel supply tanks of motor vehicles to operate as dealers who pay the tax imposed herein to the supplier of such fuel and claim refund of the tax paid on any liquefied gas thereafter sold for nonhighway use.

"BONDED DEALER PERMITS.

"Authorizing dealers whose purchases of liquefied gas are predominantly for resale for nonhighway use to purchase liquefied gas tax free from their supplier and to report and pay taxes to this State on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles.

"NONBONDED USER PERMITS.

"Authorizing users whose purchases of liquefied gas are predominantly for delivery by them into the fuel supply tanks of motor vehicles owned or operated by them, or users whose right to purchase liquefied gas tax free has been forfeited, to pay the tax imposed herein to the supplier and claim refund of the tax paid on any liquefied gas thereafter used by them off the public highways.

"BONDED USER PERMITS.

"Authorizing users whose purchases of liquefied gas are predominantly for nonhighway use by them to purchase liquefied gas tax free from their suppliers and to report and pay taxes to this State on the part of such liquefied gas which is delivered into the fuel supply tanks of motor vehicles owned or operated by them.

"SPECIAL FARM USER PERMITS.

"Authorizing users of liquefied gas for the propulsion of farm motor vehicles on the public highways of this State to elect to pay taxes in advance on one thousand two hundred (1200) gallons of liquefied gas for each and every motor vehicle owned or operated by them and propelled in whole or in part with liquefied gas during the calendar year and thereafter to purchase liquefied gas tax free in lieu of securing a bonded user's permit and filing monthly reports and tax payments, and keeping records other than the annual mileage records provided herein. In the event any additional farm motor vehicles equipped to use liquefied gas as a fuel are placed in operation by a special farm user after the first month of any calendar year, a tax shall become due and payable to this State and is hereby imposed at the tax rate prescribed herein on one-twelfth (1/12) of one thousand two hundred (1200) gallons per motor vehicle so added for each calendar month or fraction thereof remaining in the current calendar year. The Comptroller shall issue special permit decals for each motor vehicle on which taxes have been paid in advance, which shall be affixed on each such motor vehicle as the Comptroller may direct.

"BONDED IMPORT-USER PERMITS.

"Authorizing users to import or bring liquefied gas into this State in the fuel supply tanks of motor vehicles owned or operated by them, and to report and pay the tax due thereon to this State, and to claim credit or a refund of the tax paid on liquefied gas which is thereafter used in other states.

"CARBURETOR DEALER PERMITS.

"Authorizing persons holding such permits to sell, lease, transfer, or make installation of liquefied gas car-

buretion systems and requiring reports to be filed monthly with the Comptroller showing the date and recipient of each carburetion system sold, leased, transferred or installed on or for use on a farm motor vehicle and such other information as the Comptroller may require.

"Nothing herein shall be construed as permitting any tax free sale or delivery of liquefied gas to an import user, or of permitting any sale and delivery of liquefied gas directly into the fuel supply tanks of a motor vehicle without collecting the tax thereon from the purchaser of such liquefied gas, except sales or deliveries into the fuel supply tanks of farm motor vehicles displaying valid special farm user permit decals issued and held pursuant to the provision of this Subchapter.

"The Comptroller shall determine from the information shown in the application or other investigation the kind and class of permits to be issued.

"A supplier may operate under his supplier's permit as a dealer, an import-user, or as a user without securing a separate permit, but he shall be subject to all other conditions, requirements, and liabilities imposed by this subchapter upon a dealer, an import-user, or a user. A licensed dealer may use liquefied gas in motor vehicles owned or operated by him without securing a separate permit as a user, subject to all conditions, requirements and liabilities imposed herein upon a user.

"If any farm motor vehicle on which taxes have been paid in advance by a special farm user, for which a permit decal has been issued shall, prior to the end of the calendar year, be destroyed, sold, traded or otherwise disposed of, or for any reason the permittee ceases to be the owner or operator thereof, the permittee shall be required to remove such decal and immediately give notice in writing to the Comptroller of such destruction, sale or other disposition thereof. Failure to remove such permit decals and to notify the Comptroller in writing of said removals as above provided shall be grounds for cancellation of the special farm user permit or for requiring such person to secure a nonbonded user's permit; provided, however, when a motor vehicle upon which the tax has been

paid in advance is sold or transferred by one special farm user to another special farm user or to a person who shall qualify for and obtain a special farm user permit, the Comptroller may issue written authority to transfer the decal issued and attached to said motor vehicle and all rights thereunder to the purchasing special farm user in such manner and form as may be required by the Comptroller.

"If a farm motor vehicle shall be destroyed or sold or transferred it shall no longer qualify for the special farm user permit decal, then in that event the owner or operator shall be entitled to a return of the unused portion of the advance taxes theretofore paid to the Comptroller for that calendar year. The owner or operator shall submit to the Comptroller an affidavit identifying the vehicle, and stating the circumstances entitling him to a refund, the initial date of disuse or conversion, the permit and decal number assigned and all other information reasonably required by the Comptroller. Upon receipt of the affidavit and when satisfied as to the circumstances, the Comptroller shall cause to be refunded to the owner or operator that portion of his tax payment that corresponds to the number of complete months remaining in the calendar year for which the tax has been paid, beginning with the month following the date on which the vehicle was no longer utilized. No refund shall be made if the use of the vehicle ceased within the last month of the calendar year.

"All permits shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. Permit holders shall reproduce the permit by photostat or other method and keep a copy on display at each additional place of business or other place of storage from which liquefied gas is sold, delivered or used and in each motor vehicle used by the permit holder to transport liquefied gas purchased by him for resale, distribution or use. Persons holding import-user permits shall reproduce the permit and carry a photocopy thereof with each motor vehicle being operated into or from the State of Texas.

Sec. 8. Section (3) of Article 10.62, Subchapter B. of Chapter 10, Title

122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(3) a. Every user except a special farm user shall keep a record of deliveries into his motor vehicles and a complete record of the total gallons of liquefied gas used for other purposes during each month and the purposes for which said liquefied gas was used.

"b. A special farm user who has paid taxes in advance on one or more farm motor vehicles shall not be required to issue and keep invoices of each delivery of liquefied gas into the fuel supply tanks of such motor vehicles when proper permit decals are affixed thereto, and shall not be required to keep any other records of liquefied gas purchased and used by him except a record of the total miles traveled by each farm motor vehicle operated by him on which taxes have been paid in advance, from the date the permit decal is issued or assigned to said motor vehicles to the end of the calendar year. Failure to keep such records shall be grounds for cancellation of the special farm user permit."

Sec. 9. Section (4) of Article 10.63, Subchapter B of Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, is amended to read as follows:

"(4) Every user except a special farm user who purchases or acquires liquefied gas tax-free shall, on or before the 25th day of each calendar month, file with the Comptroller upon forms prescribed by the Comptroller an itemized report, made subject to the penalties of Article 1.12, Chapter 1 of this title, accounting for the liquefied gas handled during the preceding month, which report shall show the quantities of liquefied gas purchased or received and the suppliers from whom received, the quantities delivered into the fuel supply tanks or motor vehicles owned or operated by such user, the quantities used off the public highways of this State and the purposes for which used, the quantities lost by fire or other accident or disposed of in any other manner, and the total quantities on hand at the beginning and at the end of the month covered by such report. The Comptroller may in his discretion require schedules from any such user with respect to any pur-

chases, deliveries or uses of liquefied gas. Every such user shall attach legal tender to said report or make proper form of money order or exchange payable to the State Treasurer in the amount of taxes due for the period covered by the report.

"Every carburetor dealer who sells, leases or transfers liquefied gas carburetion systems or who installs such systems for use in supplying liquefied gas to propel motor vehicles in this State, shall on or before the 25th day of each calendar month file with the Comptroller upon forms prescribed by the Comptroller a report made subject to the penalties of Article 1.12, Chapter 1 of this Title, accounting for every liquefied gas carburetion system sold, leased, transferred, or installed by such carburetor dealer, and showing such other information as the Comptroller may deem necessary in the control of the taxable use of liquefied gas used to propel motor vehicles upon the public highways of this State."

Sec. 10. All taxes, penalties and interest accrued, and all liens created and bonds executed to secure their payments under any laws amended or repealed by this Act prior to its effective date, are hereby declared to be legal and valid obligations to this State; and any offenses committed or any fines or penalties incurred under any laws amended or repealed by this Act prior to its effective date shall not be affected by such amendments or repeal, but the punishment of such offenses and the recovery of such fines or penalties shall take place as if the laws amended or repealed have remained in force.

Sec. 11. All laws or parts of laws in conflict herewith are, insofar as such conflict exists, hereby repealed and this Act shall prevail over any conflicting provisions of law.

Sec. 12. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and this Act shall take effect and be in force on and after September 1, 1971, and it is so enacted.

The Conference Committee Report was read and was adopted.

House Bill 461 on Second Reading

Senator Wallace asked unanimous consent to suspend the regular order of business and take up H. B. No. 461 for consideration at this time.

There was objection.

Senator Wallace then moved to suspend the regular order of business and take up H. B. No. 461 for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 461, A bill to be entitled "An Act declaring bonds of international financial institutions existing under the laws of the United States and in which the United States is a member to be authorized investments for certain public and private agencies and institutions by amending the Texas Insurance Code; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Votes

Senators Watson, Grover, Herring and Moore asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 461 on Third Reading

Senator Wallace moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 461 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Harrington
Bates	Harris
Beckworth	Hightower
Bernal	Jordan
Blanchard	Kennard
Bridges	Kothmann
Brooks	Mauzy
Christie	McKool
Connally	Moore
Creighton	Patmar
Hall	Ratliff

Schwartz	Watson
Sherman	Wilson
Snelson	Word
Wallace	

Nays—2

Grover Herring

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Watson, Sherman, Blanchard, Grover, Harrington, Herring and Moore asked to be recorded as voting "Nay" on the final passage of the bill.

Senate Bill 445 With House Amendment

Senator Wilson called S. B. No. 445 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend S. B. No. 445, First Printing, as follows:

(1) Insert "who is 14 years of age or younger" between "child" and "or" on line 30, page one and following "child" on line 32, page one;

(2) Strike "10" and substitute "five" on line 35, page one;

(3) Insert a new subsection (c) to Section 1 to read as follows:

"(c) It shall be a defense to prosecution under this Section if the act complained of was done in the exercise of the right of moderate restraint or correction given by law to the parent over the child, the guardian over the ward, the master over the apprentice, the teacher over the scholar."

The House amendment was read.

Senator Wilson moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 965 with
House Amendments

Senator Wilson called S. B. No. 965 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. No. 965 by striking all below the enacting clause and substituting the following:

Section 1. In accordance with the provisions of Article IX, Section 9, of the Texas Constitution, this Act shall be operative so as to authorize the creation, establishment, maintenance, and operation of a hospital district within the State of Texas, to be known as Corrigan Hospital District of Polk County, Texas, and the boundaries of said district shall be as follows, to-wit:

Comprising all of the lands in Polk County, Texas, adjacent to and Northerly from the following described line:

BEGINNING on the East line of Polk County, same being the West Line of Tyler County, in the upper North line of the H. Schroden Survey, Abstract No. 535 and the lower South line of the W. T. Carter & Bros. Survey, Abstract No. 988;

THENCE Westerly with said line to the Northerly Northwest corner of said Schroden Survey and Southerly Southwest corner of said W. T. Carter & Bros. Survey, in the East line of the John Warden Survey, Abstract No. 609;

THENCE Northerly with the East line of said Warden Survey to the Northeast corner of same and an ell corner of said W. T. Carter & Bros. Survey;

THENCE Westerly with the north line of said Warden Survey and the upper south line of said W. T. Carter & Bros. Survey to the Northwest corner of said Warden Survey, same being the lower Northeast corner of the H. & T. C. RR Survey, Abstract No. 323;

THENCE Southerly with the West line of said Warden Survey and the lower East line of said H. & T. C. RR Survey to the Southeast corner of

same, being also the easterly Northeast corner of the Conrad Bering Survey, Abstract No. 945;

THENCE Westerly with the South line of said H. & T. C. RR Survey and the lower North line of said Conrad Bering Survey to an ell corner of same and the Southerly Southwest corner of said H. & T. C. RR Survey;

THENCE Northerly with the westerly East line of said Bering Survey to the Westerly Northeast corner of same and the Southeast corner of the F. Prentiss Survey, Abstract No. 471;

THENCE Westerly with the South line of said Prentiss Survey and the upper North line of said Bering Survey to the Northwest corner of same and southwest corner of the Prentiss Survey in the East line of the William Lake Survey, Abstract No. 401;

THENCE Northerly with the East line of said Lake Survey and East line of the Jefferson Atkins Survey, Abstract No. 95 to the Northeast corner of same and the Southeast corner of the John Bowyer Survey, Abstract No. 131;

THENCE Westerly with the South line of said Bowyer Survey and North line of said Atkins Survey to an ell corner of same and the lower Southwest corner of said Bowyer Survey;

THENCE Northwesterly with the Northeast line of said Atkins Survey to the North corner of same and an ell corner of said Bowyer Survey;

THENCE Southwesterly with a line of said Bowyer Survey to the upper Southwest corner of same and the Southeast corner of the W. T. Carter Survey, Abstract No. 972;

THENCE Northerly with the West line of said Bowyer Survey and east line of said Carter Survey to the Northeast corner of same and the Southeast corner of the Wm. Wallis Survey, Abstract No. 632;

THENCE Westerly with the South line of said Wallis Survey and South line of Wm. M. White Survey, Abstract No. 628 to the Southwest corner of same and the upper Northwest corner of the I & GN RR Survey, Abstract No. 655 and a corner of the Theo. C. Clark, Abstract No. 168;

THENCE Southeasterly with the Northeast Line of said Clark to the East corner of same and an ell corner of said I & GN RR Survey;

THENCE Southwesterly with the Southeast line of said Clark Survey to the South corner of same and an ell corner of said I & GN RR Survey;

THENCE Northwesterly with the Southwest line of said Clark Survey and Northeast line of the M. White Survey, Abstract No. 887 to the North corner of same and East corner of the Jas. Hickman Survey, Abstract No. 780 and in the Southwest line of the I&GN RR Survey, Abstract No. 717;

THENCE Southwesterly with the upper Southeast line of said Hickman Survey and upper Northwest line of said White Survey to a Westerly corner of same and an ell corner of said Hickman Survey;

THENCE Southeasterly with the lower Northeast line of said Hickman to an East corner of same and an ell corner of said White Survey;

THENCE Southwesterly with the Southeast line of said Hickman Survey to the South corner of same and East corner of the N. A. Nelson Survey, Abstract No. 918;

THENCE Northwesterly with the most southerly Southwest line of said Hickman Survey to the East corner of the Jas. A. Cummings Survey, Abstract No. 647 and a lower North corner of said Nelson Survey;

THENCE Southwesterly with the most Southerly Southeast line of said Cummings Survey to the South corner of same and an ell corner of said Nelson Survey;

THENCE Northwesterly with the Southwest line of said Cummings Survey to the West corner of same and North corner of said Nelson Survey in the Southeast line of the W. W. Pace Survey, Abstract No. 484;

THENCE Northeasterly with the Southeast line of said Pace Survey to the East corner of same and South corner of the Reuben Barrow Survey, Abstract No. 107;

THENCE Northwesterly with the Southwest line of said Barrow Survey to the West corner of same and an ell corner of the T. F. Pinckney Survey, Abstract No. 1051;

THENCE in a Southwesterly direction through the said Pinckney Survey to the South corner of the O. Denman Survey, Abstract No. 226 and an ell corner of said Pinckney Survey;

THENCE Northwesterly with the Southwest line of said Denman Sur-

vey and a Northeast line of said Pinckney Survey to the North corner of same and the Northeast corner of the H & TC RR Survey, Abstract No. 316;

THENCE Southerly with the East line of said H & TC RR Survey to the Southeast corner of same and upper Northeast corner of the H & TC RR Survey, Abstract No. 317;

THENCE Westerly with the North line of said H & TC RR Survey, Abstract No. 317 and South line of said H & TC RR Survey, Abstract No. 316 to the Southwest corner of same and Northwest corner of said H & TC RR Survey, Abstract No. 317 in the upper East line of the H & TC RR Survey, Abstract No. 315;

THENCE Southerly with the upper east line of said H & TC RR Survey, Abstract No. 315 to an ell corner of same and the most northerly Southwest corner of said H & TC RR Survey, Abstract No. 317;

THENCE Easterly with the lower North line of said H & TC RR Survey, Abstract No. 315 to the lower Northeast corner of same and the Northwest corner of the Thomas F. Tyler Survey, Abstract No. 574;

THENCE Southerly with the West line of said Tyler Survey and lower East line of the H & TC RR Survey, Abstract No. 315 to the lower Southeast corner of same and the upper Northeast corner of the D. B. Harris Survey, Abstract No. 1070;

THENCE Westerly with the South line of said H & TC RR Survey, Abstract No. 315 to the Southwest corner of same and an ell corner of the H & TC RR Survey, Abstract No. 314;

THENCE Northerly with the West line of the H & TC RR Survey, Abstract No. 315 and the middle East line of the H & TC RR Survey, Abstract No. 314 to the middle Northeast corner of same and the Southeast corner of the Jas. P. Nash Survey, Abstract No. 456;

THENCE Westerly with the South line of said Nash Survey to a point in same where a line from the East line of the N. D. La Badie Survey, Abstract No. 388, were projected Northerly past the Northeast corner of said La Badie would intersect for a corner;

THENCE Southerly on said line through the H & TC RR Survey, Abstract No. 314 to the Northeast

corner of said La Badie Survey and an ell corner of the H & TC RR Survey, Abstract No. 314;

THENCE Westerly with the North line of said La Badie Survey, the North line of the Benj. J. Harper Survey, Abstract No. 36 and the lower North line of the Wm. Johns Survey, Abstract No. 39 to an ell corner of same and the Southwest corner of the Wm. McFaddin Survey, Abstract No. 19;

THENCE Northerly with the upper East line of said Johns Survey to the upper Northeast corner of same and the Southeast corner of the Eliz. Johnston Survey, Abstract No. 42;

THENCE Westerly with the South line of said Johnston Survey, Abstract No. 42 and the North line of said Johns Survey to the Northwest corner of same and Southwest corner of said Johnston Survey;

THENCE Northerly with the West line of said Johnston Survey to the Southeast corner of the Alex Thompson Survey, Abstract No. 1055 and the Northeast corner of the Daniel Wilburn Survey, Abstract No. 80;

THENCE Westerly with the North line of said Wilburn Survey and the lower North line of the George Foster Survey, Abstract No. 816 to an ell corner of same and the Southwest corner of the Ann B. Criswell Survey, Abstract No. 21;

THENCE Northerly with the West line of said Criswell to the North corner of the Thompson and Tucker Lumber Co. Survey, Abstract No. 835 and the Southeast corner of the George Smith Survey, Abstract No. 526;

THENCE Southwesterly with Southeast line of said Smith Survey to the South corner of same and an ell corner of the I & GN RR Survey, Abstract No. 662;

THENCE Northwest with the Southwest line of said Smith Survey to the most northerly corner of said I & GN RR Survey and the East corner of the Hiram Watts Survey, Abstract No. 601; THENCE Southwesterly with the Southeast line of said Watts Survey to the South corner of same and the East corner of the Thomas Cartwright Survey, Abstract No. 12;

THENCE Northwesterly with the Northeast line of said Cartwright Survey to the North Corner of same and the most southerly Southeast corner of the J. Poitevent Survey, Abstract No. 502;

THENCE Southwesterly with the Northwest line of said Cartwright Survey to the South corner of the J. Poitevent Survey, Abstract No. 942 and the East corner of the Oliver Peterson Survey, Abstract No. 760 and Abstract No. 745;

THENCE Northwesterly with the Northeast line of said Peterson Survey to the North corner of same;

THENCE Southwesterly with the Northwest line of said Peterson Survey to its intersection with the Polk-Trinity County line for the most Westerly and Termination Point; and said district shall have the powers and responsibilities provided by the aforesaid constitutional provision.

Sec. 2. The district hereby provided for shall assume full responsibility for providing medical and hospital care for the needy residing within the district; provided, however, that such hospital district shall not be created unless and until an election is duly held in the proposed area of Polk County for such purpose, which said election may be initiated by the commissioners court upon its own motion or upon a petition of 50 resident qualified voters, to be held not less than 30 days from the time said election is ordered by the commissioners court. At such election, there shall be submitted to the qualified taxpaying voters the proposition of whether or not a hospital district shall be created in the area of the county as described in Section 1; and a majority of the qualified taxpaying electors participating in said election voting in favor of the proposition shall be necessary. The ballots for said election shall be printed to provide for voting for or against the following proposition: "The creation of a hospital district; providing for the levy of a tax not to exceed 75 cents on the \$100 valuation."

Sec. 3. (a) The commissioners court of the county shall have the power and authority, and it shall be its duty, to levy on all property in the district subject to said hospital district taxation, for the benefit of the district at the same time taxes are levied for

county purposes, using the county values and the county tax roll, a tax of not to exceed 75 cents on the \$100 valuation of all taxable property within the hospital district, for the purpose of:

(1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the hospital district for hospital purposes as herein provided;

(2) providing for the operation and maintenance of the hospital or hospital system; and

(3) when requested by the board of hospital managers of the hospital district and approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system, and for the acquisition of necessary sites therefor, by purchase, lease, or condemnation.

(b) The tax so levied shall be collected on all property within the district subject to hospital district taxation by the assessor and collector of taxes for the county on the county tax values, and in the same manner and under the same conditions as county taxes. The assessor and collector of taxes shall charge and deduct from payments to the hospital district the fees for assessing and collecting the tax at the rate of not exceeding two percent of the amounts collected as may be determined by the commissioners court. Such fees shall be deposited in the county's general fund, and shall be reported as fees of office of the tax assessor and collector. Interest and penalties on taxes paid to the hospital district shall be the same as in the case of county taxes. Discounts shall be the same as for county taxes. The residue of tax collections, after deduction of discounts and fees for assessing and collecting, shall be deposited in the district depository; and such funds shall be withdrawn only as provided herein. All other income of the hospital district shall be deposited in like manner with the district depository; warrants against the hospital district funds shall not require the signature of the county clerk.

(c) The commissioners court shall have the authority to levy the tax aforesaid for the entire year in which the said hospital district is established, for the purpose of securing

funds to initiate the operation of the hospital district.

Sec. 4. (a) The commissioners court shall have the power and authority to issue and sell as the obligations of such hospital district, bonds for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping same, for hospital purposes and for any or all of such purposes; provided, that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and principal as same matures provided said tax together with any other taxes levied for said district shall not exceed 75 cents in any one year. Such bonds shall be executed in the name of the hospital district and on its behalf by the county judge of the county, and countersigned by the county clerk, and shall be subject to the same requirements in the matter of approval thereof by the attorney general and the registration thereof by the comptroller of public accounts as are by law provided for such approval and registration of bonds of such county; and the approval of such bonds by the attorney general shall have the same force and effect as is by law given to his approval of bonds of the county. No bonds shall be issued by such hospital district, except refunding bonds, until authorized by a majority vote of the legally qualified taxpaying voters residing in such hospital district voting at an election called and held in accordance with the provisions of Chapter 1, Title 22, of the Revised Civil Statutes of Texas, 1925, as amended, relating to county bonds. Such election may be called by the commissioners court on its own motion, or shall be called by it after request thereof by the board of hospital managers of the district; and the commissioners court shall be responsible for the appointment of the persons to conduct such election and for the arrangement of all details to hold such election. The cost of any such election shall be a charge upon the hospital district and its funds; and the hospital district shall make provision for the payment thereof before the commissioners court shall be required to order such an election.

(b) In the manner hereinabove provided, the bonds of such hospital district may, without necessity of any election thereof, be issued for the pur-

pose of refunding and paying off any bonded indebtedness theretofore assumed by the hospital district and any bonds theretofore issued by the hospital district; such refunding bonds may be sold and the proceeds thereof applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with the recognized standard bond interest cost tables, shall not exceed the average interest cost per annum so computed upon the bonds to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, is less than the total interest cost so computed on the bonds to be discharged out of such proceeds. In the foregoing computations, any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity dates shall be taken into account as an addition to the net interest cost to the hospital district of the refunding bonds.

Sec. 5. (a) Any lands, buildings, or equipment that may be owned by the county, and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the county, or if located in said district, shall become the property of the hospital district, and title thereto shall vest in the hospital district. All obligations under contract legally incurred by the county for the building of, or the support and maintenance of, hospital facilities, which are located in said district, prior to the creation of the district but outstanding at the time of the creation of the district, shall be assumed and discharged by it without prejudice to the rights of third parties.

(b) The commissioners court, as soon as the hospital district is created and authorized at the election hereinabove provided, and there have been appointed and qualified the board of hospital managers herein-after provided for, shall execute and deliver to the hospital district, to-wit: to its said board of hospital managers, an instrument in writing conveying to said hospital district the

hospital property, including lands, building; and equipment, which are located in said district; and shall transfer to said hospital district the funds hereinabove provided to become vested in the hospital district, upon being furnished the certificate of the chairman of the board to the fact that a depository for the district's funds has been selected and has qualified; which funds shall, in the hands of the hospital district and of its board of hospital managers, be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county could lawfully have used the same had they remained the property and funds of such county.

Sec. 6. (a) The commissioners court shall appoint a board of hospital managers for the Corrigan Hospital District, consisting of six members, who shall serve for a term of two years, with overlapping terms if desired, and with initial appointments to terms of office arranged accordingly, and provided that the county judge of the county shall be an ex officio member of said board of hospital managers. Failure of any member of the board of hospital managers to attend three consecutive regular meetings of the board shall cause a vacancy in his office, unless such absence is excused by formal action of the board. The board of hospital managers shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in the performance of their duties as determined by the board of hospital managers. The duties of the board of hospital managers shall be to manage, control, and administer the hospital or hospital system of the Corrigan Hospital District. The board of hospital managers for the Corrigan Hospital District shall have the power and authority to sue and be sued and to promulgate rules and regulations for the operation of the hospital or hospital system.

(b) The board shall appoint a general manager, to be known as the administrator of the Corrigan Hospital District. The administrator shall hold office for a term not exceeding two years and shall receive such compensation as may be fixed by the board. The administrator shall be subject to removal at any time by the board. The administrator shall, before enter-

ing into the discharge of his duties, execute a bond payable to the district, in the amount of not less than \$10,000 conditioned that he shall well and faithfully perform the duties required of him, and containing such other conditions as the board may require. The administrator shall perform all duties which may be required of him by the board, and shall supervise all of the work and activities of the district, and have general direction of the affairs of the district, within such limitations as may be prescribed by the board. He shall be a person qualified by training and experience for the position of administrator.

(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or term of employment shall exceed the period of two (2) years.

(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state and agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees.

(e) The board of hospital managers may in addition to retirement programs authorized by this Act establish such other retirement programs for the benefit of its employees as it deems necessary and advisable.

(f) A majority of the board of hospital managers present shall constitute a quorum for the transaction of any business. From among its members, the board shall choose a chairman, who shall preside; or in his absence a chairman pro tem shall pre-

side; and the administrator or any member of the board may be appointed secretary. The board shall require the secretary to keep suitable records of all proceedings of each meeting of the board. Such records shall be read and signed after each meeting by the chairman or the member presiding, and attested by the secretary. The board shall have a seal, on which shall be engraved the name of the Corrigan Hospital District; and said seal shall be kept by the secretary and used in authentication of all acts of the board.

Sec. 7. The board of hospital managers shall have the power to prescribe the method and manner of making purchases and expenditures by and for such hospital district, and also shall be authorized to prescribe all accounting and control procedures. The board shall cause an annual audit to be made of the books and records of the district as soon as practicable after the close of each fiscal year, such audit to cover such fiscal year, and to be made by an independent public accountant. The hospital district shall pay all salaries and expenses necessarily incurred by the board or any of its officers and agents in performing any duties which may be prescribed or required under this section. It shall be the duty of any officer, employee, or agent of the board to perform and carry out any function or service prescribed by the board hereunder.

Sec. 8. In the event of incapacity, absence, or inability of the administrator to discharge any of the duties required of him, the board may designate an assistant to the administrator to discharge any duties or functions required of the administrator. Such assistant or other persons shall give bond and have such limitations upon his authority as may be fixed by the order of the board.

Sec. 9. Once each year, as soon as practicable after the close of the fiscal year, the administrator of the hospital district shall report to the board of hospital managers and the commissioners court, a full sworn statement of all moneys and choses in action received by such administrator and how disbursed or otherwise disposed of. Such report shall show in detail the operations of the district for the year. Under the direction of the board of hospital managers, he shall prepare an annual budget which shall be approved by the board of hospital managers.

Sec. 10. The hospital district organized in pursuance of this Act shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind or character, real, personal, or mixed, or any interest therein, including outright ownership of such property in fee simple absolute, within the boundaries of the said district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation; provided that the said district shall not be required to make deposits in the registry of the trial court of the sum required by Paragraph 2 in Article 3268, Revised Civil Statutes of Texas, 1925, as amended, or to make the bond required therein. In condemnation proceedings being prosecuted by the said district, the district shall not be required to pay in advance or give any bond otherwise required for the issuance of a temporary restraining order or a temporary injunction relating to a condemnation proceeding, nor to give bond for costs or for supersedeas or any appeal or writ of error proceeding to any court of civil appeals, or to the supreme court.

Sec. 11. Within 30 days after the appointment of the board of hospital managers of the district and each two years thereafter the said board shall select a depository for such district which shall be one or the same depository theretofore selected by the county, such depository shall secure all funds of the district in the manner now provided for the security of county funds.

Sec. 12. The hospital district established or maintained under the provisions of this Act shall be subject to inspection by any duly authorized representative of the State Department of Health and of the commissioners court of the county, and resident officers shall admit such representatives into all hospital district facilities and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital district.

Sec. 13. (a) It shall be the duty of the county attorney, district attorney, or criminal district attorney, as the case may be, charged with the duty of representing the county in civil matters, to represent the hospital district in all legal matters; provided,

however that the board of hospital managers shall be authorized at its discretion to employ additional legal counsel when the board deems it advisable.

(b) The hospital district shall contribute sufficient funds to the general fund of the county for the account of the budget of the county attorney, district attorney, or criminal district attorney, as the case may be, to pay all additional salaries and expenses incurred by such officer in performing the duties required of him by the district.

Sec. 14. (a) Neither the county nor any city located within the hospital district shall, after the Corrigan Hospital District has been organized in pursuance of this Act, levy any tax for hospital purposes; except that the county shall levy a tax sufficient for interest and sinking funds to retire whatever bonds that have been authorized or issued which were voted county-wide for hospital purposes and no part of which are assumed by the Corrigan Hospital District; the amount levied being no more than their respective proportionate share; and in the event that a hospital district is created in the south portion of said county and that district assumes the payment of the bonds, then in that event the county will levy a tax in this district to pay the proportionate share of the bonds so assumed by the other district; and this said hospital district shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent persons residing in said Corrigan Hospital District from the date that taxes are collected for the hospital district.

(b) That portion of delinquent taxes owed the county on levies for the present county hospital system shall continue to be paid to the county as collected.

Sec. 15. Whenever a patient has been admitted to the facilities of the hospital district from the county, the administrator shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the hospital district for the care of such patient a specified sum per week, in proportion to their financial ability,

but such sum shall not exceed the actual per capita cost of maintenance. The administrator shall have power and authority to collect such sum from the estate of the patient, or his relatives legally liable for his support, in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the administrator finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the hospital district. Should there be a dispute as to the ability to pay, or doubt in the mind of the administrator, the county court shall hear and determine same, after calling witnesses, and shall make such order as may be proper, from which appeal shall lie to the district court by either party to the dispute.

Sec. 16. The board of hospital managers of the hospital district is authorized on behalf of said hospital district to accept donations, gifts, and endowments for the hospital district, to be held in trust and administered by the board of hospital managers for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of the hospital district.

Sec. 17. All bonds, including refunding bonds, issued by or assumed by the district authorized to be established and created under the provisions of this Act shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, fiduciaries, building and loan associations, insurance companies, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. The bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and the bonds shall be lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 18. The Legislature hereby finds affirmatively that 30 days' public notice was duly given in accordance with the provisions of Article IX,

Section 9, of the Constitution of the State of Texas, of the intention to apply to this Legislature to enact a law providing for the creation, establishment, maintenance, and operation of the Corrigan Hospital District herein provided for.

Sec. 19. If any word, phrase, sentence, section, portion or provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act, and the application of such word, phrase, sentence, section, portion, or provision to other persons or circumstances, shall not be affected thereby. In the event any of the provisions hereof shall be in conflict with any other law of this state, the provisions of this Act shall prevail.

Sec. 20. The fact that the Corrigan Hospital District authorized to be created and established under the provisions of this Act is for the promotion of the public welfare of the inhabitants of the county and the procedure for the creation thereof should be established at an early date create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

Amend S. B. 965 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED

An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution, located in Polk County, Texas, providing the boundaries of the district; providing said district shall assume responsibility for medical and hospital care for the needy residing within the district; providing that such district shall not be created until authorized by a majority vote of the qualified taxpaying electors in said district at an election called by the commissioners' court on its own motion or upon petition; prescribing

the form of the ballot for said election; authorizing the levy of a tax by said district not exceeding 75 cents on the \$100 valuation of taxable property within the district for the purpose of maintaining and operating a hospital or hospitals and making additions and improvements thereto; providing for the method of assessing and collecting of taxes; authorizing the issuance of bonds by the district and prescribing the procedure therefor; authorizing the issuance of refunding bonds by the district; authorizing the conveyance of all hospital properties by Polk County to the hospital district which are located in said district; providing for the appointment of a board of hospital managers for said district and prescribing its powers and duties; authorizing the establishment of a retirement system for employees of the district; granting the power of eminent domain to the district; providing for the selection of a depository for funds of the district; prescribing duties of officers of the district and other officers of the county and state with respect to the district; prohibiting the levy of any tax by Polk County, or any city therein, for hospital purposes after the creation of the district except taxes to pay for hospital bonds already voted and not now issued by said county which are not assumed by said district and providing that if a hospital district is created in the south portion of Polk County which assumes the payment of said bonds, a tax to be levied in this district to pay the pro-rata share of said bonds; making bonds of the district eligible for investment of certain funds and as security for certain deposits; making a finding that local notice has been properly given; providing a savings clause; and declaring an emergency.

Floor Amendment No. 1

Amend Senate Bill No. 965, First House Printing, as follows:

(1) Strike the word "property" on line 31, page 1; lines 15 and 17, page 5; line 22, page 6.

(2) Insert the words "within the district" between the words "property" and "for" on line 36, page 1.

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 966 With House Amendments

Senator Wilson called S. B. No. 966 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

In S. B. No. 966 strike all below the enacting clause and substitute the following:

Section 1. In accordance with the provisions of Article IX, Section 9, of the Texas Constitution, this Act shall be operative so as to authorize the creation, establishment, maintenance, and operation of a hospital district within the State of Texas, to be known as Livingston Hospital District of Polk County, Texas, and the boundaries of said district shall be as follows, to-wit:

Comprising all of the land in Polk County, Texas, adjacent to and Northerly from the following described line:

BEGINNING on the East line of Polk County, same being the West line of Tyler County, in the upper North line of the H. Schroden Survey, Abstract No. 535 and the lower South line of the W. T. Carter & Bros. Survey, Abstract No. 988;

THENCE Westerly with said line to the Northerly Northwest corner of said Schroden Survey and Southerly Southwest corner of said W. T. Carter & Bros. Survey, in the East line of the John Warden Survey, Abstract No. 609;

THENCE Northerly with the East line of said Warden Survey to the Northeast corner of same and an ell corner of said W. T. Carter & Bros. Survey;

THENCE Westerly with the north line of said Warden Survey and the upper south line of said W. T. Carter & Bros. Survey to the Northwest corner of said Warden Survey, same being the lower Northeast corner of the H. & T. C. RR Survey, Abstract No. 323;

THENCE Southerly with the West line of said Warden Survey and the lower East line of said H. & T. C. RR Survey to the Southeast corner of same, being also the easterly Northeast corner of the Conrad Bering Survey, Abstract No. 945;

THENCE Westerly with the South line of said H. & T. C. RR Survey and the lower North line of said Conrad Bering Survey to an ell corner of same and the southerly Southwest corner of said H. & T. C. RR Survey;

THENCE Northerly with the westerly East line of said Bering Survey to the Westerly Northeast corner of same and the Southeast corner of the F. Prentiss Survey, Abstract No. 471;

THENCE Westerly with the South line of said Prentiss Survey and upper North line of said Bering Survey to the Northwest corner of same and southwest corner of the Prentiss Survey in the East line of the William Lake Survey, Abstract No. 401;

THENCE Northerly with the East line of said Lake Survey and East line of the Jefferson Atkins Survey, Abstract No. 95 to the Northeast corner of same and the Southeast corner of the John Bowyer Survey, Abstract No. 131;

THENCE Westerly with the South line of said Bowyer Survey and North line of said Atkins Survey to an ell corner of same and the lower Southwest corner of said Bowyer Survey;

THENCE Northwesternly with the Northeast line of said Atkins Survey to the North corner of same and an ell corner of said Bowyer Survey;

THENCE Southwesterly with a line of said Bowyer Survey to the upper Southwest corner of same and the Southeast corner of the W. T. Carter Survey, Abstract No. 972;

THENCE Northerly with the West line of said Bowyer Survey and East line of said Carter Survey to the Northeast corner of same and the Southeast corner of the Wm. Wallis Survey, Abstract No. 632;

THENCE Westerly with the South line of said Wallis Survey and South line of Wm. M. White Survey, Abstract No. 628 to the Southwest corner of same and the upper Northwest corner of the I & GN RR Survey, Abstract No. 655 and a corner of the Theo. C. Clark, Abstract No. 168;

THENCE Southeasterly with the Northeast line of said Clark to the East corner of same and an ell corner of said I & GN RR Survey;

THENCE Southwesterly with the Southeast line of said Clark Survey to the South corner of same and an ell corner of said I & GN RR Survey;

THENCE Northwesternly with the Southwest line of said Clark Survey and Northeast line of the M. White Survey, Abstract No. 887 to the North corner of same and East corner of the Jas. Hickman Survey, Abstract No. 780 and in the Southwest line of the I & GN RR Survey, Abstract No. 717;

THENCE Southwesterly with the upper Southeast line of said Hickman Survey and upper Northwest line of said White Survey to a Westerly corner of same and an ell corner of said Hickman Survey;

THENCE Southeasterly with the lower Northeast line of said Hickman to an East corner of same and an ell corner of said White Survey;

THENCE Southwesterly with the Southeast line of said Hickman Survey to the South corner of same and East corner of the N. A. Nelson Survey, Abstract No. 918;

THENCE Northwesternly with the most southerly Southwest line of said Hickman Survey to the East corner of the Jas. A. Cummings Survey, Abstract No. 647 and a lower North corner of said Nelson Survey;

THENCE Southwesterly with the most southerly Southeast line of said Cummings Survey to the South corner of same and an ell corner of said Nelson Survey;

THENCE Northwesternly with the Southwest line of said Cummings Survey to the West corner of same and North corner of said Nelson Survey in the Southeast line of the W. W. Pace Survey, Abstract No. 484;

THENCE Northeasterly with the Southeast line of said Pace Survey to the East corner of same and South corner of the Reuben Barrow Survey, Abstract No. 107;

THENCE Northwesternly with the Southwest line of said Barrow Survey to the West corner of same and an ell corner of the T. F. Pinckney Survey, Abstract No. 1051;

THENCE in a Southwesterly direction through the said Pinckney Sur-

vey to the South corner of the O. Denman Survey, Abstract No. 226 and an ell corner of said Pinckney Survey;

THENCE Northwesterly with the Southwest line of said Denman Survey and a Northeast line of said Pinckney Survey to the North corner of same and the Northeast corner of the H & TC RR Survey, Abstract No. 316;

THENCE Southerly with the East line of said H & TC RR Survey to the Southeast corner of same and upper Northeast corner of the H & TC RR Survey, Abstract No. 317;

THENCE Westerly with the North line of said H & TC RR Survey, Abstract No. 317 and South line of said H & TC RR Survey, Abstract No. 316 to the Southwest corner of same and Northwest corner of said H & TC RR Survey, Abstract No. 317 in the upper East line of the H & TC RR Survey, Abstract No. 315;

THENCE Southerly with the upper East line of said H & TC RR Survey, Abstract No. 315 to an ell corner of same and the most northerly Southwest corner of said H & TC RR Survey, Abstract No. 317;

THENCE Easterly with the lower North line of said H & TC RR Survey, Abstract No. 315 to the lower Northeast corner of same and the Northwest corner of the Thomas F. Tyler Survey, Abstract No. 574;

THENCE Southerly with the West line of said Tyler Survey and lower East line of the H & TC RR Survey, Abstract No. 315 to the lower Southeast corner of same and the upper Northeast corner of the D. B. Harris Survey, Abstract No. 1070;

THENCE Westerly with the South line of said H & TC RR Survey, Abstract No. 316 to the Southwest corner of same and an ell corner of the H & TC RR Survey, Abstract No. 314;

THENCE Northerly with the West line of the H & TC RR Survey, Abstract No. 315 to the Southwest corner line of the H & TC RR Survey, Abstract No. 314 to the middle Northeast corner of same and the Southeast corner of the Jas. P. Nash Survey, Abstract No. 456;

THENCE Westerly with the South line of said Nash Survey to a point in same where a line from the East line of the N. D. La Badie Survey, Abstract No. 388, were projected

Northerly past the Northeast corner of said La Badie would intersect for a corner;

THENCE Southerly on said line through the H & TC RR Survey, Abstract No. 314 to the Northeast corner of said La Badie Survey and an ell corner of the H & TC RR Survey, Abstract No. 314;

THENCE Westerly with the North line of said La Badie Survey, the North line of the Benj. J. Harper Survey, Abstract No. 36 and the lower North line of the Wm. Johns Survey, Abstract No. 39 to an ell corner of same and the Southwest corner of the Wm. McFaddin Survey, Abstract No. 49;

THENCE Northerly with the upper East line of said Johns Survey to the upper Northeast corner of same and the Southeast corner of the Eliz. Johnston Survey, Abstract No. 42;

THENCE Westerly with the South line of said Johnston Survey, Abstract No. 42 and the North line of said Johns Survey to the Northwest corner of same and Southwest corner of said Johnston Survey;

THENCE Northerly with the West line of said Johnston Survey to the Southeast corner of the Alex Thompson Survey, Abstract No. 1055 and the Northeast corner of the Daniel Wilburn Survey, Abstract No. 80;

THENCE Westerly with the North line of said Wilburn Survey and the lower North line of the George Foster Survey, Abstract No. 816 to an ell corner of same and the Southwest corner of the Ann B. Crisswell Survey, Abstract No. 21;

THENCE Northerly with the West line of said Crisswell to the North corner of the Thompson and Tucker Lumber Co. Survey, Abstract No. 835 and the Southeast corner of the George Smith Survey, Abstract No. 526;

THENCE Southwesterly with Southeast line of said Smith Survey to the South corner of same and an ell corner of the I & GN RR Survey, Abstract No. 662;

THENCE Northwest with the Southwest line of said Smith Survey to the most northerly corner of said I & GN RR Survey and the East corner of the Hiram Watts Survey, Abstract No. 601;

THENCE Southwesterly with the Southeast line of said Watts Survey to the South corner of same and the East corner of the Thomas Cartwright Survey, Abstract No. 12;

THENCE Northwesterly with the Northeast line of said Cartwright Survey to the North Corner of same and the most southerly Southeast corner of the J. Poitevent Survey, Abstract No. 502;

THENCE Southwesterly with the Northwest line of said Cartwright Survey to the South corner of the J. Poitevent Survey, Abstract No. 942 and the East corner of the Oliver Peterson Survey, Abstract No. 760 and Abstract No. 745;

THENCE Northwesterly with the Northeast line of said Peterson Survey to the North corner of same;

THENCE Southwesterly with the Northwest line of said Peterson Survey to its intersection with the Polk-Trinity County line for the most Westerly and Termination Point; and said district shall have the powers and responsibilities provided by the aforesaid constitutional provision.

Sec. 2. The district hereby provided for shall assume full responsibility for providing medical and hospital care for the needy residing within the district; provided, however, that such hospital district shall not be created unless and until an election is duly held in the proposed area of Polk County for such purpose, which said election may be initiated by the commissioners court upon its own motion or upon a petition of 50 resident qualified voters, to be held not less than 30 days from the time said election is ordered by the commissioners court. At such election, there shall be submitted to the qualified taxpaying voters the proposition of whether or not a hospital district shall be created in the area of the county as described in Section 1; and a majority of the qualified taxpaying electors participating in said election voting in favor of the proposition shall be necessary. The ballots for said election shall be printed to provide for voting for or against the proposition: "The creation of a hospital district; providing for the levy of a tax not to exceed 75 cents on the \$100 valuation."

Sec. 3. (a) The commissioners court of the county shall have the power and authority, and it shall be its duty, to levy all property within the district subject to said hospital district taxation, for the benefit of the district

at the same time taxes are levied for county purposes, using the county values and the county tax roll, a tax of not to exceed 75 cents on the \$100 valuation of all taxable property within the hospital district, for the purpose of:

(1) paying the interest on and creating a sinking fund for bonds which may have been assumed or which may be issued by the hospital district for hospital purposes as herein provided;

(2) providing for the operation and maintenance of the hospital or hospital system; and

(3) when requested by the board of hospital managers of the hospital district and approved by the commissioners court, for the purpose of making further improvements and additions to the hospital system, and for the acquisition of necessary sites therefor, by purchase, lease, or condemnation.

(b) The tax so levied shall be collected on all property within the district subject to hospital district taxation by the assessor and collector of taxes for the county on the county tax values, and in the same manner and under the same conditions as county taxes. The assessor and collector of taxes shall charge and deduct from payments to the hospital district the fees for assessing and collecting the tax at the rate of not exceeding two percent of the amounts collected as may be determined by the commissioners court. Such fees shall be deposited in the county's general fund, and shall be reported as fees of office of the tax assessor and collector. Interest and penalties on taxes paid to the hospital district shall be the same as in the case of county taxes. Discounts shall be the same as for county taxes. The residue of tax collections, after deduction of discounts and fees for assessing and collecting, shall be deposited in the district depository; and such funds shall be withdrawn only as provided herein. All other income of the hospital district shall be deposited in like manner with the district depository. Warrants against the hospital district funds shall not require the signature of the county clerk.

(c) The commissioners court shall have the authority to levy the tax aforesaid for the entire year in which the said hospital district is established, for the purpose of securing funds to initiate the operation of the hospital district.

Sec. 4. (a) The commissioners court shall have the power and authority to issue and sell as the obligations of such hospital district, bonds for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping same, for hospital purposes and for any or all of such purposes; provided, that a sufficient tax shall be levied to create an interest and sinking fund to pay the interest and principal as same matures provided said tax together with any other taxes levied for said district shall not exceed 75 cents in any one year. Such bonds shall be executed in the name of the hospital district and on its behalf by the county judge of the county, and countersigned by the county clerk, and shall be subject to the same requirements in the matter of approval thereof by the attorney general and the registration thereof by the comptroller as are by law provided for such approval and registration of bonds of such county; and the approval of such bonds by the attorney general shall have the same force and effect as is by law given to his approval of bonds of the county. No bonds shall be issued by such hospital district, except refunding bonds, until authorized by a majority vote of the legally qualified taxpaying voters residing in such hospital district voting at an election called and held in accordance with the provisions of Chapter 1, Title 22, Revised Civil Statutes of Texas, 1925, as amended, relating to county bonds. Such election may be called by the commissioners court on its own motion, or shall be called by it after request thereof by the board of hospital managers of the district; and the commissioners court shall be responsible for the appointment of the persons to conduct such election and for the arrangement of all details to hold such election. The cost of any such election shall be a charge upon the hospital district and its funds; and the hospital district shall make provision for the payment thereof before the commissioners court shall be required to order such an election.

(b) In the manner hereinabove provided, the bonds of such hospital district may, without necessity of any election thereof, be issued for the purpose of refunding and paying off any bonded indebtedness theretofore assumed by the hospital district and any bonds theretofore issued by the hospital district; such refunding

bonds may be sold and the proceeds thereof as applied to the payment of any such outstanding bonds or may be exchanged in whole or in part for not less than a like amount of said outstanding bonds and interest matured thereon, but unpaid; provided the average interest cost per annum on the refunding bonds, computed in accordance with the recognized standard bond interest cost tables, shall not exceed the average interest cost per annum so computed upon the bonds to be discharged out of the proceeds of the refunding bonds, unless the total interest cost on the refunding bonds, computed to their respective maturity dates, is less than the total interest cost so computed on the bonds to be discharged out of such proceeds. In the foregoing computations, any premium or premiums required to be paid upon the bonds to be refunded as a condition to payment in advance of their stated maturity dates shall be taken into account as an addition to the net interest cost to the hospital district of the refunding bonds.

Sec. 5. (a) Any lands, buildings, or equipment that may be owned by the county, and by which medical services or hospital care, including geriatric care, are furnished to the indigent or needy persons of the county, if located in said district, shall become the property of the hospital district; and title thereto shall vest in the hospital district.

(b) All obligations under contract legally incurred by the county for the building of, or the support and maintenance of, hospital facilities, which are located in said district, prior to the creation of the district but outstanding at the time of the creation of the district, shall be assumed and discharged by it without prejudice to the rights of third parties.

(c) Any outstanding bonded indebtedness incurred by the county in the acquisition of such lands, buildings, and equipment, or in the construction and equipping of such hospital facilities, together with any other outstanding bonds issued by the county for hospital purposes and the proceeds of which are in whole or in part still unspent, shall be assumed by the hospital district and become the obligation of the hospital district; and the county shall be by the hospital district relieved of any further

liability for the payment thereof, or for providing interest and sinking fund requirements thereon; provided that nothing herein contained shall limit or affect any of the rights of any of the holders of such bonds against the payment of the principal or interest on any of such bonds in accordance with their respective terms.

(d) That in the event a hospital district is created in the north portion of Polk County and this said district is created, any outstanding bonds for hospital purposes either voted or issued shall become the obligation of both districts and a tax levied by said districts to retire said issue.

(e) The commissioners court, as soon as the hospital district is created and authorized at the election hereinabove provided, and there have been appointed and qualified the board of hospital managers hereinafter provided for, shall execute and deliver to the hospital district, to-wit: to its said board of hospital managers, an instrument in writing conveying to said hospital district the hospital property, including lands, building and equipment, which are located in said district; and shall transfer to said hospital district the funds hereinabove provided to become vested in the hospital district, upon being furnished the certificate of the chairman of the board to the fact that a depository for the district's funds has been selected and has qualified; which funds shall, in the hands of the hospital district and of its board of hospital managers, be used for all or any of the same purposes as, and for no other purposes than, the purposes for which the county could lawfully have used the same had they remained the property and funds of such county.

Sec. 6. (a) The commissioners court shall appoint a board of hospital managers for the Livingston Hospital District, consisting of six members, who shall serve for a term of two years, with overlapping terms if desired, and with initial appointments to terms of office arranged accordingly, and provided that the county judge of the county shall be an ex officio member of said board of hospital managers. Failure of any member of the board of hospital managers to attend three consecutive regular meet-

ings of the board shall cause a vacancy in his office, unless such absence is excused by formal action of the board. The board of hospital managers shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in the performance of their duties as determined by the board of hospital managers. The duties of the board of hospital managers shall be to manage, control, and administer the hospital or hospital system of the Livingston Hospital District. The board of hospital managers for the Livingston Hospital District shall have the power and authority to sue and be sued and to promulgate rules and regulations for the operation of the hospital or hospital system.

(b) The board shall appoint a general manager, to be known as the administrator of the Livingston Hospital District. The administrator shall hold office for a term not exceeding two years and shall receive such compensation as may be fixed by the board. The administrator shall be subject to removal at any time by the board. The administrator shall, before entering into the discharge of his duties, execute a bond payable to the district, in the amount of not less than \$10,000, conditioned that he shall well and faithfully perform the duties required of him, and containing such other conditions as the board may require. The administrator shall perform all duties which may be required of him by the board, and shall supervise all of the work and activities of the district, and have general direction of the affairs of the district, within such limitations as may be prescribed by the board. He shall be a person qualified by training and experience for the position of administrator.

(c) The board of hospital managers shall have the authority to appoint or dismiss from the staff such doctors as it may be deemed necessary for the efficient supervision of the district, and may provide the temporary appointments to the staff if warranted by circumstances. The board of managers shall have the authority to employ such employees of every kind and character as may be deemed advisable for the efficient operation of the hospital or hospital system; provided that no contract or terms of em-

ployment shall exceed the period of two (2) years.

"(d) The board of hospital managers, with the approval of the commissioners court, shall be authorized to contract with any county for hospitalization of the county sick, diseased, and injured persons, and with the state and agencies of the federal government for the hospitalization of such persons for whom the state and such agencies of the federal government are responsible. Further, under the same conditions, the board of hospital managers may enter into such contract with the state and federal government as may be necessary to establish or continue a retirement program for the benefit of its employees."

(e) The board of hospital managers may in addition to retirement program authorized by this Act establish such other retirement program for the benefit of its employees as it deems necessary and advisable.

(f) A majority of the board of hospital managers present shall constitute a quorum for the transaction of any business. From among its members, the board shall choose a chairman, who shall preside; or in his absence a chairman pro tem shall preside; and the administrator or any member of the board may be appointed secretary. The board shall require the secretary to keep suitable records of all proceedings of each meeting of the board. Such records shall be read and signed after each meeting by the chairman or the member presiding, and attested by the secretary. The board shall have a seal, on which shall be engraved the name of the Livingston Hospital District; and said seal shall be kept by the secretary and used in authentication of all acts of the board.

Sec. 7. The board of hospital managers shall have the power to prescribe the method and manner of making purchases and expenditures by and for such hospital district, and also shall be authorized to prescribe all accounting and control procedures. The board shall cause an annual audit to be made of the books and records of the district as soon as practicable after the close of each fiscal year, such audit to cover such fiscal year, and to be made by an independent public accountant. The hospital district shall pay all salaries and ex-

penses necessarily incurred by the board or any of its officers and agents in performing any duties which may be prescribed or required under this section. It shall be the duty of any officer, employee, or agent of the board to perform and carry out any function or service prescribed by the board hereunder.

Sec. 8. In the event of incapacity, absence, or inability of the administrator to discharge any of the duties required of him, the board may designate an assistant to the administrator to discharge any duties or functions required of the administrator. Such assistant or other persons shall give bond and have such limitations upon his authority as may be fixed by the order of the board.

Sec. 9. Once each year, as soon as practicable after the close of the fiscal year, the administrator of the hospital district shall report to the board of hospital managers and the commissioners court, a full sworn statement of all moneys and choses in action received by such administrator and how disbursed or otherwise disposed of. Such report shall show in detail the operations of the district for the year. Under the direction of the board of hospital managers, he shall prepare an annual budget which shall be approved by the board of hospital managers.

Sec. 10. The hospital district organized in pursuance of this Act shall have the right and power of eminent domain for the purpose of acquiring by condemnation any and all property of any kind or character, real, personal, or mixed, or any interest therein, including outright ownership of such property in fee simple absolute, within the boundaries of the said district, necessary or convenient to the exercise of the rights, powers, privileges, and functions conferred upon it by this Act, in the manner provided by general law with respect to condemnation; provided that the said district shall not be required to make deposits in the registry of the trial court of the sum required by Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended, or to make the bond required therein. In condemnation proceedings being prosecuted by the said district, the district shall not be required to pay in advance or give any bond otherwise required for the issu-

ance of a temporary restraining order or a temporary injunction relating to a condemnation proceeding, nor to give bond for costs or for supersedeas or any appeal or writ of error proceeding to any court of civil appeals, or to the supreme court.

Sec. 11. Within 30 days after the appointment of the board of hospital managers of the district and each two years thereafter the said board shall select a depository for such district which shall be one or the same depository theretofore selected by the county, such depository shall secure all funds of the district in the manner now provided for the security of county funds.

Sec. 12. The hospital district established or maintained under the provisions of this Act shall be subject to inspection by any duly authorized representative of the State Department of Health and of the commissioners court of the county, and resident officers shall admit such representatives into all hospital district facilities and give them access on demand to all records, reports, books, papers, and accounts pertaining to the hospital district.

Sec. 13. (a) It shall be the duty of the county attorney, district attorney, or criminal district attorney, as the case may be, charged with the duty of representing the county in civil matters, to represent the hospital district in all legal matters; provided, however that the board of hospital managers shall be authorized at its discretion to employ additional legal counsel when the board deems it advisable.

(b) The hospital district shall contribute sufficient funds to the general fund of the county for the account of the budget of the county attorney, district attorney, or criminal district attorney, as the case may be, to pay all additional salaries and expenses incurred by such officer in performing the duties required of him by the district.

Sec. 14. (a) Neither the county nor any city located within the hospital district shall, after the Livingston Hospital District has been organized in pursuance of this Act, levy any tax for hospital purposes; except that this said district shall levy a tax sufficient for interest and sinking funds to retire whatever bonds that

have been authorized or issued which were voted county-wide for hospital purposes which are assumed by the Livingston Hospital District and said levy of said tax shall be levied in the Livingston Hospital District and collected by the county and paid to the Livingston Hospital District to retire said bonds; the amount levied, or tax levied shall be the same in both districts for the payment of said bonds; and this said hospital district shall be deemed to have assumed full responsibility for the furnishing of medical and hospital care for the needy and indigent person residing in said Livingston Hospital District from the date that taxes are collected for the hospital district.

(b) That portion of delinquent taxes owed the county on levies for the present county hospital system shall continue to be paid to the county as collected.

Sec. 15. Whenever a patient has been admitted to the facilities of the hospital district from the county, the administrator shall cause inquiry to be made as to his circumstances, and of the relatives of such patient legally liable for his support. If he finds that such patient or said relatives are liable to pay for his care and treatment in whole or in part, an order shall be made directing such patient, or said relatives, to pay to the hospital district for the care of such patient a specified sum per week, in proportion to their financial ability, but such sum shall not exceed the actual per capita cost of maintenance. The administrator shall have power and authority to collect such sum from the estate of the patient, or his relatives legally liable for his support, in the manner provided by law for the collection of expenses of the last illness of a deceased person. If the administrator finds that such patient or said relatives are not able to pay, either in whole or in part, for his care and treatment in such hospital, the same shall become a charge upon the hospital district. Should there be a dispute as to the ability to pay, or doubt in the mind of the administrator, the county court shall hear and determine same, after calling witnesses, and shall make such order as may be proper, from which appeal shall lie to the district court by either party to the dispute.

Sec. 16. The board of hospital managers of the hospital district is authorized on behalf of said hospital district to accept donations, gifts, and endowments for the hospital district, to be held in trust and administered by the board of hospital managers for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by donor, not inconsistent with proper management and objects of the hospital district.

Sec. 17. All bonds, including refunding bonds, issued by or assumed by the district authorized to be established and created under the provisions of this Act shall be and are declared to be legal and authorized investments for banks, savings banks, trust companies, fiduciaries, building and loan associations, insurance companies, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. The bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas and any and all public funds of cities, towns, villages, counties, school districts, and other political corporations or subdivisions of the State of Texas, and such bonds shall be lawful and sufficient security for deposits to the extent of their face value when accompanied by all unmatured coupons appurtenant thereto.

Sec. 18. The Legislature hereby finds affirmatively that 30 days' public notice was duly given in accordance with the provisions of Article IX, Section 9, of the Texas Constitution, of the intention to apply to this Legislature to enact a law providing for the creation, establishment, maintenance, and operation of the Livingston Hospital District herein provided for.

Sec. 19. If any word, phrase, sentence, section, portion, or provision of this Act or the application thereof to any person or circumstances shall be held to be invalid or unconstitutional, the remainder of this Act, and the application of such word, phrase, sentence, section, portion, or provision to other persons or circumstances, shall not be affected thereby. In the event any of the provisions hereof shall be in conflict with any other law of this State, the provisions of this Act shall prevail.

Sec. 20. The fact that the Livingston Hospital District authorized

to be created and established under the provisions of this Act is for the promotion of the public welfare of the inhabitants of the county and the procedure for the creation thereof should be established at an early date creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and said Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

In S. B. No. 966 strike all above the enacting clause and substitute in lieu thereof the following:

S. B. No. 966:

A BILL TO BE ENTITLED

An Act authorizing the creation of a hospital district under the provisions of Article IX, Section 9, of the Texas Constitution, in Polk County, Texas; providing the boundaries of the district; providing for the assumption of all outstanding indebtedness of Polk County incurred for hospital purposes; providing said district shall assume responsibility for medical and hospital care for the needy residing within the district; providing that such district shall not be created until authorized by a majority vote of the qualified taxpaying electors in said district at an election called by the commissioners court on its own motion or upon petition; prescribing the form of the ballot for said election; authorizing the levy of a tax by said district not exceeding 75 cents on the \$100 valuation of taxable property within the district for the purpose of maintaining and operating a hospital or hospitals and making additions and improvements thereto; providing for the method of assessing and collecting of taxes; authorizing the issuance of bonds by the district and prescribing the procedure therefor; authorizing the issuance of refunding bonds by the district; authorizing the conveyance of all hospital properties by Polk County to the hospital district which are located in said district; providing for the appointment of a board of hospital

managers for said district and prescribing its powers and duties; authorizing the establishment of a retirement system for employees of the district; granting the power of eminent domain to the district; providing for the selection of a depository for funds of the district; prescribing duties of officers of the district and other officers of the county and state with respect to the district; prohibiting the levy of any tax by Polk County, or any city therein, for hospital purposes after the creation of the district except taxes to pay for hospital bonds already voted and not now issued by said county which are not assumed by said district and providing that if a hospital district is created in the south portion of Polk County which assumes the payment of said bonds, a tax to be levied in this district to pay the pro-rata share of said bonds; making bonds of the district eligible for investment of certain funds and as security for certain deposits; making a finding that local notice has been properly given; providing a savings clause; and declaring an emergency.

Floor Amendment No. 1

Amend Senate Bill No. 966, First House Printing, as follows:

(1) Strike the word "property" on line 31, page 1; lines 15 and 17, page 5; line 45, page 6.

(2) Insert the words "within the district" between the words "property" and "for" on line 36, page 1.

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 659 With House Amendments

Senator Wilson called S. B. No. 659 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Floor Amendment No. 1

Amend S. B. 659 by striking all below the enacting clause and substituting the following:

Section 1. The Board of Managers of the Texas State Railroad shall continue to exercise control and management of the right-of-way and trackage of the Texas State Railroad from Mile Post 0.0 at Palestine, Texas, extending eastwardly to Mile Post 3.69, and to exercise the powers, duties, and authority over such right-of-way and trackage which are granted to the Board of Managers by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes).

Sec. 2. Subject to the provisions of Section 1 of this Act and the adoption of a formal resolution of transfer by the Texas Parks and Wildlife Commission, and after the effective date of this Act, the Parks and Wildlife Commission shall assume all of the powers, duties and authority heretofore granted to the Board of Managers by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), insofar as such powers, duties, and authority are not inconsistent with any other provision of this Act. Following receipt of written notice by the Board of Managers of the Texas State Railroad from the Parks and Wildlife Commission of the adoption of the formal resolution, said board shall transfer all records, files, and documents of whatever nature possessed by it pertaining to the Texas State Railroad to the Parks and Wildlife Department, with the exception of the property referred to in Section 1 of this Act.

Sec. 3. The Parks and Wildlife Department may operate any part of the Texas State Railroad, with the exception of the property referred to in Section 1 of this Act, as a part of the State Parks System for park and recreational purposes and all laws which pertain to state parks shall apply to the property transferred herein. All revenues collected or received from leases or concessions shall be deposited to the State Parks Fund in the State Treasury.

Sec. 4. The provisions of Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes), are hereby repealed to the extent of conflict with the provisions of this Act.

Sec. 5. The provisions of this Act shall take effect on September 1, 1971.

Sec. 6. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 2

Amend S. B. 659 by striking all above the enacting clause and substituting the following:

A BILL TO BE ENTITLED

An Act authorizing a transfer of certain powers and duties of the Board of Managers of the Texas State Railroad to the Parks and Wildlife Department upon adoption of a formal resolution of the Parks and Wildlife Commission; providing for operation within the State Parks System with revenues deposited to the State Parks Fund; excepting certain property from the transfer; repealing conflicting provisions of Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes); providing an effective date; and declaring an emergency.

Floor Amendment No. 1

Amend Senate Bill 659 by striking line 34 of the Second Printing.

The House amendments were read.

Senator Wilson moved that the Senate concur in the House amendments.

The motion prevailed.

House Bill 591 on Second Reading

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 591, A bill to be entitled "An Act amending Statutes relating to hours of work for employees; providing penalties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 591 on Third Reading

Senator Mauzy moved that the Constitutional Rule and Senate Rule 30 requiring bills to be read on three several days be suspended and that H. B. No. 591 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

By unanimous consent, Senator Herring submitted the following reports for the Committee on Jurisprudence:

H. B. No. 415 (Amended).

H. B. No. 50.

H. B. No. 887.

H. B. No. 840.

S. B. No. 530.

H. B. No. 534.

H. B. No. 263.

H. B. No. 16.

S. B. No. 841 (Amended).

S. B. No. 752 (Floor report).

S. B. No. 102 (Floor report).

By unanimous consent, Senator Hall submitted the following report for the Committee on County, District and Urban Affairs:

H. B. No. 1053 (Floor report).

By unanimous consent, Senator Wilson submitted the following report for the Committee on Constitutional Amendments:

S. J. R. No. 57 (Amended).

House Bill 1753 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent, H. B. No. 1753 was ordered not printed.

House Bill 1053 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent, H. B. No. 1053 was ordered not printed.

Memorial Resolutions

S. R. No. 1302—By Senator Blanchard: Memorial resolution for Mrs. Beatrice Long.

S. R. No. 1303—By Senator Blanchard: Memorial resolution for Floyd Koen.

S. R. No. 1304—By Senator Blanchard: Memorial resolution for Tommy Nelson.

S. R. No. 1308—By Senator Watson: Memorial resolution for B. L. Bradley.

S. R. No. 1312—By Senator Watson: Memorial resolution for Virgil E. Curry.

S. R. No. 1315—By Senator Herring: Memorial resolution for Henry H. Luedecke.

Welcome and Congratulatory Resolutions

S. R. No. 1305—By Senator Blanchard: Extending commendation to Senior Class of Anton High School for their generous act of love to a fellow student.

S. R. No. 1309—By Senator Watson: Extending welcome to Judge J. F. Clawson.

S. R. No. 1310—By Senator Watson: Extending welcome to Wayne Dalton.

S. R. No. 1311—By Senator Watson: Extending welcome to Domingo Capetillo and Hugh Davis.

S. R. No. 1314—By Senator Kennard: Extending congratulations to Wayne Brown, named "Personality of the Month" by TV Radio Show magazine.

S. R. No. 1316—By Senator Jordan: Extending congratulations to Board of Education, Houston Independent School District.

S. R. No. 1317—By Senator Watson: Extending welcome to Father Paul McCollum.

Adjournment

On motion of Senator Aikin the Senate at 12:14 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

May 20, 1971

S. B. No. 233

S. C. R. No. 99

S. B. No. 697

S. B. No. 269

S. B. No. 859

SEVENTY-THIRD DAY

(Friday, May 21, 1971)

The Senate met at 10:00 o'clock a.m., and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	